

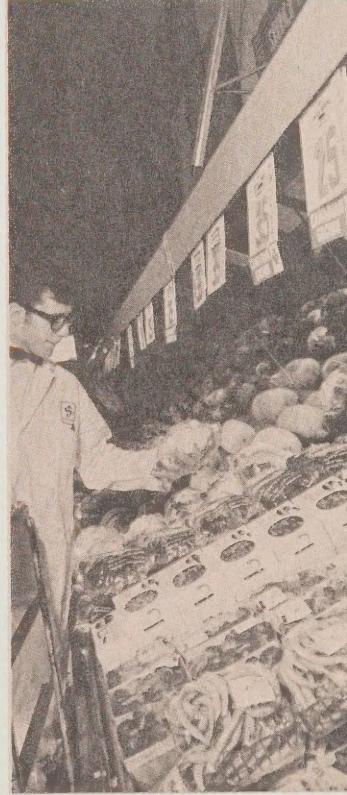
# PROVINCIAL LEGISLATION

## Pertinent to Agriculture

GOVT PUBNS

## NEWFOUNDLAND NOVA SCOTIA NEW BRUNSWICK

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## **PROVINCIAL LEGISLATION Pertinent to Agriculture**

**NEWFOUNDLAND  
NOVA SCOTIA  
NEW BRUNSWICK**

Compiled by  
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## **FOREWORD**

The purpose of this publication is to provide information on the agricultural policies and the laws affecting agriculture of the three provinces, Newfoundland, Nova Scotia and New Brunswick. Prince Edward Island is not included because at the time this publication was being prepared, its laws and regulations were being revised.

This text is to be used solely for purposes of information. Some of the original Acts are spelled out in great detail; others merely sketch in the central purpose. Therefore the task of making brief and accurate synopses of each Act is hazardous, and the reader is cautioned that these summaries have no legal value. The compiler has tried to extract the essence of each piece of legislation. However, when a legal opinion is required, the Statutes themselves must be consulted.

**Agriculture Canada** appreciates the time and effort generously given by deputy ministers and directors of the departments of agriculture of Newfoundland, Nova Scotia and New Brunswick in completing this publication. The Department also acknowledges with gratitude the help of the Regional Office of the Economics Branch at Truro, Nova Scotia.

Similar summaries are being prepared for the Western Provinces, Quebec and Ontario. For information about agricultural legislation in the federal field, consult "Federal Agricultural Legislation Up To 1975", published by the Economics Branch, Agriculture Canada, at the address below.

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# NEWFOUNDLAND

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## **NEWFOUNDLAND**

### **1. ADMINISTRATION**

#### **DEPARTMENT OF FORESTRY AND AGRICULTURE ACT, 1973, No. 37**

**“An Act Respecting the Department of Forestry and Agriculture.”** (This Act supersedes the Department of Mines, Agriculture and Resources Act, R.S.N. 1970, c. 88.)

The duties, powers and functions of the Minister of Forestry and Agriculture extend to and include, among other matters, agriculture (primary production, and the processing and marketing of primary products). He also has powers to supervise and control agricultural land as well as Crown Lands, except those specifically under the control of any other minister, department or agency.

There are provisions for the appointment of a Deputy Minister and Assistant Deputy Minister and other officers. The Minister may prescribe their functions and duties. The powers, functions and duties of the Minister are described.

### **II. LAND**

#### **1. Development**

##### **CROWN LANDS ACT, R.S.N. 1970, c. 71. Amendment: S.N. 1974, No. 85**

Empowers the Minister of Forestry and Agriculture to lease up to 50 acres of crown land and the Lieutenant Governor in Council more than 50 acres to any person, for such period and upon such terms and conditions, and subject to such rents, royalties or other charges, as they may prescribe.

The Minister may also make grants of crown land of up to 50 acres and the Lieutenant Governor in Council of more than 50 acres.

The Act prohibits pasturing of animals on islands abandoned by inhabitants, where there still remains some private property, church property, cemeteries or other property that could be damaged by animals.

## 2. Settlement

### VETERANS LAND SETTLEMENT ACT, R.S.N. 1970, c. 390.

This Act authorizes the Minister of Forestry and Agriculture to enter into an agreement with the Government of Canada for the settlement of veterans of provincial land according to the terms of the Veterans' Land Act (Canada) and provides for reserving areas of the Crown Lands for this purpose.

## 3. Tenure and Assessment

### ABANDONED LANDS ACT, R.S.N. 1970, c. 1.

This Act outlines the legal procedures whereby certain land, granted, leased or licenced to persons by the crown which has been unused and unoccupied for forty years, may be ordered to revert to the Crown and made available for agriculture.

### DEPARTMENT OF RURAL DEVELOPMENT ACT, S.N. 1973, No. 85

This Act establishes the Department of Rural Development and creates the Rural Development Authority to receive, consider and report upon applications for financial and other assistance.

The powers, functions and duties of the Minister are described. The Minister of Rural Development is responsible for the supervision, direction and control of the Department in all matters relating to (i) the encouragement of development in rural areas, including the determination of the economic viability of projects proposed in the rural areas; (ii) the provision of information and advice to rural areas with regard to incentives, loan facilities, programmes and other benefits available and the rendering of assistance to obtain such benefits; (iii) the provision of information and advice with respect to local and regional planning in rural areas; (iv) the promotion and guidance of regional planning groups and associations; (v) the centralizing of the population, including counselling before and after relocation; (vi) the promotion and guidance of small industries and enterprises in rural areas, and (vii) subject to the approval of the Lieutenant Governor in Council, financial assistance, to bodies or persons engaged in, or about to engage in, small industries and enterprises in rural areas or in the home.

Remaining provisions cover agreements with the Government of Canada or of another province, assistance to students, the powers of the minister over boards, consultations and conferences, acquisition and disposal of property and other matters.

### EXPROPRIATION ACT, R.S.N. 1970, c. 121.

This Act consolidates the law relating to expropriation.

## (Land)

The Minister of Public Works and Services may expropriate land. Whenever an Authority requires land and wishes to have it expropriated the Authority must make application to the Minister for expropriation. Included in the expropriation procedure are such things as ascertaining land to be expropriated, compensation, notice of expropriation to be served on owner or posted on land, filing of claim for compensation by owner, barring of claims by a claimant after the expiration of three months from publication, rights of mortgages and lien holders, vesting of title, order for possession and execution by Sheriff or constable.

When a notice of expropriation has been served or posted, the person on whom it is served, the owner and every other person who is or may be entitled to claim compensation in respect of the expropriation or injurious affection resulting from the expropriation must submit to the Minister (a) particulars of his estate and interest in the land expropriated or injuriously affected and of every charge, lien or other encumbrance to which the land is subject; (b) title deeds, plans and any other documents in his possession or available to him relating to the title to the land; and (c) any other information which the Minister requests in connection with the land, the title to the land and his interest in it or in connection with his claim.

If the Minister and the owner of the land cannot agree on the amount of compensation to be paid the amount of compensation to be paid is fixed by a Board appointed under this Act. The Act also sets for the rules for assessing compensation, and the law regarding the payment of compensation.

### **LAND DEVELOPMENT ACT, R.S.N. 1970, c. 197.**

This legislation empowers the Minister of Forestry and Agriculture to establish land development areas. It also makes funds available for development.

Either crown land may be used, or privately held land may be purchased or expropriated to establish land development areas. The Minister may determine the land development area and spend money for its development. Funds can be made available for the clearing and cultivation of land, dwelling houses, purchase of implements, livestock, poultry, seeds and fertilizers etc. The Act details how a settler may obtain a five year lease and eventually a grant of the land. The Act outlines other powers of the Minister and related matters.

### **NEWFOUNDLAND AND LABRADOR POWER COMMISSION ACT, R.S.N. 1970, No. 250.**

Subject to the prior approval of the Lieutenant Governor in Council, the Newfoundland and Labrador Power Commission may acquire by purchase, lease, expropriation or otherwise, any land, waters, water privileges, water powers, rights, easements, privileges, proprietary rights of any description and works that are deemed useful for its purpose.

### **QUIETING OF TITLES ACT, R.S.N. 1970, c. 324**

The Act provides for a mechanism whereby a person can establish his title and secure a certificate after registration.

This Act provides that any person claiming to be the owner of any land is entitled to have his title judicially investigated and declared, whether he has a legal estate or not and whether his title is or is not subject to any charge or encumbrance.

## (Land)

This Act also sets out the procedure to be followed in respect of application and evidence given to the Supreme Court, adverse claims, the awarding of certificates of title, the effect of using fraud in obtaining a certificate reinvestigation, and appeals.

### REGISTRATION OF DEEDS ACT, R.S.N. 1970, c. 328.

This Act provides for a registry for deeds and other documents and describes how the registration must be made and its effect. It also deals with the requirement for searches and includes a schedule of these.

### UNIMPROVED LANDS (REDISTRIBUTION) ACT, R.S.N. 1970, c. 384.

Through this enactment certain specified lands granted by the Crown may be re-acquired and redistributed.

This Act applies to the lands granted by the Crown whether the lands are now held by the grantees named in the grants or have passed to any other person, partnership or association. Any land to which the Act applies may be expropriated for such uses as: the development of agriculture or forestry; the utilization, disposal or development of any product of the forest; the construction or extension of any city, town, village or settlement; the construction, extension, maintenance or repair of roads; or for the dedication to the public of the use of an existing road. Any person authorized by the Minister of Forestry and Agriculture may enter upon any land in order to obtain a plan and a description of the land. Owners of land expropriated will be compensated at the rate of thirty cents an acre. The Lieutenant Governor in Council may increase the rate of compensation to a maximum of one dollar per acre. Expropriated land is to be dealt with under the Crown Lands Act and the Crown Land's (Mine and Quarries) Act.

## III. FARM FINANCE

### 1. Credit

#### FARM DEVELOPMENT LOAN ACT, R.S.N. 1970, c. 125.

The purpose of this Act is to create the Farm Development Loan Board and give it power to make loans for farm development.

The Farm Development Loan Board is established as a body corporate to administer a Farm Development Loans Fund. The Board may make loans or advances for the purchase of livestock, equipment and land, but only under the terms prescribed by the regulations. These regulations are subject to approval by the Lieutenant Governor in Council. The Act lists the kinds of regulations which the board may make. For example, the board may make regulations fixing the rate of interest on loans.

## IV. PRODUCTION

### 1. General

#### PESTICIDES CONTROL ACT, R.S.N. 1970, c. 292.

The purpose of this Act is to control and regulate the distribution and use of pesticides and herbicides.

The selling of pesticides and herbicides without licences is prohibited. A person must not provide a service involving the use, application or distribution of pesticides or herbicides unless he has a licence. The Act restricts the type of containers that pesticides and herbicides can be stored in and the use to which these chemicals can be put. No person can dispose of any pesticide or herbicide except at a site or in a manner that is prescribed by the regulations; or recommended by the manufacturer. The washing of containers, etc., in open bodies of water is prohibited. A person cannot apply a pesticide or herbicide in any open body of water other than under or according to the terms and conditions of a permit to do so.

Where any crop, food, feed, animal, plant, water, produce, product or other matter is shown to be contaminated by a pesticide or a herbicide, the Minister may, by order prohibit or restrict the sale, handling, use or distribution of the contaminated product permanently or for such length of time as he considers necessary, or cause the contaminated product to be destroyed or rendered harmless, and no person is entitled to compensation from the Province for anything done under the provisions of Section 11 of this Act.

The Minister of the Department of Provincial affairs and Environment has the power to prohibit or restrict the use of any pesticide or herbicide. He may issue, renew, suspend, cancel or reinstate any licence. The Act outlines the appointment of inspectors, their powers, appeals, offences and the regulations which the Lieutenant Governor in Council may make for the more effective carrying out of the purposes of this Act.

### 2. Crops

#### PLANT PROTECTION ACT, R.S.N. 1970, c. 299.

This Act provides for regulations of the Lieutenant Governor in Council to control and eradicate plant diseases particularly in nurseries.

The Lieutenant Governor in Council may appoint plant test inspectors, including persons employed in the Province as inspectors and other officers under and for the carrying out of the Destructive Insect and Pest Act (Canada), to carry out and enforce this Act and the regulations. The importation, selling, etc., of disease plants is prohibited. The registration of agents and salesmen is required and nurseries must be registered. The Minister may require the owner of a nursery to obtain a certificate of inspection from an inspector, certifying that the nursery has been examined and found to be apparently free from disease before sending out or permitting any plants to be removed from his nursery. Where disease exists the Minister may order inspection and destruction of diseased plants. The Minister may order double inspection of a nursery orchard before the destruction of plants if conditions warrant. The Act also details the types of regulations which the Minister of Forestry and Agriculture may make.

### 3. Livestock

#### FUR FARMS ACT, R.S.N. 1970, c. 146.

The purpose of the Act is to provide for the control, regulation and sanitation of mink and fox farms.

The breeding of fur animals is prohibited except on a fur farm that holds a valid licence. Any person transporting fur animals into the province must furnish the Minister with a statement under oath setting out the purposes of importation, the number and sex of fur animals in each shipment, the farm or ranch on which the fur animals were born in captivity in Canada or the province of Canada in which the fur animals were captured or the part of the foreign country from which they were imported. The Act provides the authority for the hiring of inspectors and there are provisions covering their duties and their powers of inspection. The Act also sets out in detail the type of regulations that the Minister of Forestry and Agriculture may make. Whenever any provision of this Act or the regulations is in conflict with the wildlife Act or any regulations made, this Act and the regulations shall prevail in respect of a fur farm or in respect of fur animals held or bred thereon.

#### LIVESTOCK (HEALTH) ACT, R.S.N. 1970, c. 212.

This enactment gives the Lieutenant Governor in Council the power to set up livestock health areas and make regulations prescribing measures to protect livestock from contagious animal diseases. It also provides for joint arrangements with the Federal Minister of Agriculture.

The Lieutenant Governor in Council may designate any part or parts of the Province as Livestock Health Areas in respect of livestock generally or any particular class or kind of livestock.

The Minister of Forestry and Agriculture, with the approval of the Lieutenant Governor in Council, may make regulations prescribing measures to be taken and observed with a view to establishing a healthy and vigorous stock of animals and protecting them from the introduction or spread of infectious or contagious animal diseases. The Lieutenant Governor in Council may by regulations provide for the implementation of any arrangement made between the Minister and the Minister of Agriculture (Canada) for cooperating in the control and eradication of livestock diseases. He may order that, at the request of the appropriate Federal authority, inspectors under this Act may be designated inspectors under any laws of Canada respecting the health of animals.

#### NUISANCES AND MUNICIPAL REGULATIONS ACT, R.S.N. 1970, c. 276.

This Act fixes responsibility on owners for certain animals found running at large and provides for the impounding of such animals.

Section 21 to 24 of this Act provide that the owners of stallions, bulls, rams or he-goats which are at large are liable for any damage they may cause; sets forth the ages at which animals, not intended for breeding purposes and not kept strictly on the owners premises, may be castrated; and requires owners of stock being reared for breeding purposes to supply a description of each animal to the nearest Agricultural Society or Justice of the Peace. Sections 27 to 32 deal with the impounding of stray animals, setting forth how animals are to be impounded, the duties and powers of impounders and the schedule of fees for impounders.

## (Production)

### POULTRY AND POULTRY PRODUCTS ACT, R.S.N. 1970, c. 302.

The intent of this Act is to provide for the control and regulation of the production, transporting, shipping, packing, storage and marketing of poultry and poultry products, within Newfoundland.

The Act provides for the establishment of advisory committees. A permit is required to operate a hatchery. All poultry and poultry products must be made available for inspection and grading as required by the regulations. The Act defines the powers of the inspectors and provides for the seizure of poultry and poultry products. Branding is given special attention in Section 12. The Act contains a very long list of the types of regulations which the Lieutenant Governor in Council may make in respect of any poultry or poultry products produced or sold in Newfoundland. Section 14 also contains a long list of the offences under this Act.

### PROTECTION OF ANIMALS ACT, R.S.N. 1970, c. 311.

This Act prohibits certain acts of cruelty to animals and provides penalties for infractions.

The legislation provides that a Justice of the Peace may order the destruction of any animal injured by cruelty. It also provides for compensation for damage or injury caused by cruelty; sets forth the power of a constable to cause the destruction or removal of a diseased or injured animal; make certain provisions regarding the slaughtering of animals; places restrictions on the right to kill animals found at large. It enables the Lieutenant Governor in Council, at his discretion, to confer the powers of a police constable upon the chief agent or Society for the Protection of Animals for the purposes of the Act. It deals with the procedure to be followed when an animal is injured by a train, automobile or bicycle.

## V. MARKETING

### 1. General

#### COMMUNICABLE DISEASES ACT, R.S.N. 1970, c. 52.

This law requires the reporting of a communicable disease and prohibits certain actions by dairymen and other handlers of milk and milk products until a clearance is given by a health officer.

Where a case of communicable disease exists in the house of a dealer in foods, including milk and cream, or a person engaged in delivering such foods, such dealer or deliveryman must not continue the sale or the distribution of such foods until permitted to do so by the health officer of the locality in which he distributes or sells the same. Every dairyman or milk vendor supplying milk, cream or butter for use in any city, town or village must report at once to the health officer any case of communicable disease in himself, his family or his employees. In the event of a communicable disease occurring at any house occupied by the keep of a dairy from which milk, cream or butter is supplied for use by the public, or at any premises where milk, cream or butter is kept, stored or prepared for sale, the health officer may prohibit the sale or delivery until such time as he is satisfied that all necessary precautions for the public safety has been observed. A diseased person is not to milk cows or assist in the production, distribution or storage of milk and milk products.

## (Marketing)

If at any time disease exists among the cattle the health officer must be notified and the milk of the diseased cow must not be mixed with any other milk and must not be used for food or as food for swine or other animals until it has been boiled for at least thirty minutes.

### FOOD AND DRUGS ACT, R.S.N. 1970, c. 139.

This legislation covers a wide range of food products and to safeguard public health the Minister of Health is given powers to examine, seize and prohibit sale.

In this Act (Food) includes every article used for food or drink by man, other than drugs, and any article which ordinarily enters or is used in the composition or preparation of food for man, and also includes flavoring matters and condiments, and ice sold for domestic purposes, and "drug" includes all medicines for internal or external use for man or animal. Section 3 defines the regulatory powers of the Minister of Health. Provisions in this Act covers such things as examination of food and seizure of unsound food, disposition of food seized, examination of food in transit, licensing of certain trades, purchase and taking of samples, offences, inspection, complaints, prohibiting the sale of certain meats, regulations regarding cold storage, and related matters.

### HEALTH AND PUBLIC WELFARE ACT, R.S.N. 1970, c. 151.

The relevant provision in this Act prohibit the bringing in of food which is unfit for human consumption.

A person cannot bring into any settlement any decayed or partially decayed food, potatoes or other vegetable products, or any tainted or damaged meat or anything used as food, except for the purpose of having the same destroyed or converted to uses other than as food, and then only with the written permission of the health officer.

## 2. Crops

### VEGETABLE (GRADING) ACT, R.S.N. 1970, c. 388.

This Act provides for regulations of the Lieutenant Governor in Council to control the grading and packing of vegetables.

The Lieutenant Governor in Council may make regulations classifying and establishing grades for each kind of products (potatoes, turnips, beets, carrots, parsnips, and such other products of agriculture as the Lieutenant Governor may designate); with respect to packages or containers or the inspection, grading, packing, marking, shipment, advertisement, purchase and sale of products within the province; with respect to the registration and licensing of packers and persons assembling products, and with respect to the cleanliness and sanitation of premises in which products are graded, packed or assembled. The Act provides for the appointment of inspectors and prescribes their powers and duties and details the offences under this Act. The Minister of Forestry and Agriculture may authorize the registration of foremen, packers or head packers or other persons responsible for the work of those engaged in the packing of a product in packing houses, warehouses or other places.

### 3. Livestock

The purpose of this policy is to provide livestock health protection services at community sales.

Under this Act, a licence is required to conduct community sales. This Act does not apply to a sale held for the purpose of selling purebred livestock; or for the disposal of a dairy herd from premises of origin. A community sale cannot be held until a veterinarian has (a) inspected the premises where the sale is to be held; (b) examined, inspected and identified all livestock to be offered for sale; and (c) carried out any other duties prescribed by the regulations. The conditions of licence, requirements for community sales, manner of assembling livestock for sale, the cleaning of premises before a sale, the powers of entry, the production of records and related matters are described in this Act.

The Lieutenant Governor in Council may make regulations prescribing conditions for licencing; requiring the bonding of operators and prescribing the amount and form of such bonds etc.; prescribing the duties of the Provincial Veterinarian and other officers appointed under this Act; respecting the conditions under which livestock shall be assembled or offered for sale; prescribing the manner in which premises shall be cleaned and disinfected; providing for the disposal of livestock found infected with any disease; exempting persons or classes or persons from the application of any of the provisions of this Act or the regulations; and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

#### THE NATURAL PRODUCTS MARKETING ACT, S.N. 1973, No. 79.

An Act to revise and consolidate the law with respect to the marketing of natural products.

This Act repeals the Natural Products Marketing (Newfoundland) Act. It reenacts the provisions in substantially different form to permit the Agricultural Products Marketing Board and commodity boards to act conjointly with the Government of Canada or any of all provinces of Canada and to enter into agreements with any or all of the Governments, departments, agencies, boards, councils or bodies (including the agreements referred to in the Farm Products Marketing Agencies Act of Canada).

The Marketing Board is under the control of and responsible to the Minister of Forestry and Agriculture in carrying out the powers, functions and duties conferred by this Act. For the purposes of administering any scheme or plan, the Minister may constitute a commodity board and confer upon it powers for the proper operation of the plan. Every commodity board, constituted under a scheme is to be an independent corporation with the powers and privileges set forth in Section 18 of the Interpretation Act, Chapter 182 of the Revised Statutes of Newfoundland, 1970.

The limitations to making or revoking a scheme and the powers of the commodity board are described in detail.

#### NEWFOUNDLAND AGRICULTURAL MARKETING ACT, R.S.N. 1970, c. 247.

This Act provides for a marketing scheme, a marketing board, the establishment of an operating fund and empowers the board to borrow money for exercising their function. It also empowers the Lieutenant Governor in Council to regulate the importation of agricultural products and the Minister to regulate the sales of the product.

## (Marketing)

A scheme regulating the marketing of an agricultural product by the producers thereof may be submitted to the Minister of Forestry and Agriculture and the Lieutenant Governor in Council may approve the scheme. Every scheme shall provide for the registration of any producer who makes application and shall constitute a Board to administer the scheme. The provisions of the Second Schedule to this Act apply with respect to the incorporation, registration and winding-up of a Board. The Act details how information is to be furnished for the purpose of registration. Subject to the approval of the Minister a scheme may provide for the regulation of marketing and encouragement of cooperation, education and research.

Every scheme must provide for the following matters: (a) for the establishment of a fund and for the payment out of the fund of any monies required by the Board for the operation of the scheme, (b) for the payment by registered producers, (c) for the distribution of all monies sent to the credit of the fund which are not required for the operation of the scheme, (d) for empowering the Board to borrow money for the purpose of exercising their function under the scheme.

The Act contains restrictions on disclosing information obtained under this Act. The Lieutenant Governor in Council is empowered to regulate the importation of agricultural products if conditions warrant. If it appears to the Minister that the regulation of sales of home-produced agricultural products will contribute to the efficient reorganization for organized development of any branch of the agricultural industry, he may by order regulate the sales of the product. It is the duty of the Department to review the circumstances affecting the supply of agricultural products in Newfoundland and to make representations to the Lieutenant Governor in Council as to any steps which ought in the opinion of the Minister, to be taken for regulating that supply. The Act provides for consumer committees and committees of investigation.

## VI. AGRICULTURAL SOCIETIES AND EDUCATION

### AGRICULTURAL SOCIETIES ACT, R.S.N. 1970, c. 7.

This Act provides for the formation, registration and incorporation of agricultural societies.

The Minister of Forestry and Agriculture may make regulations prescribing: (a) terms and conditions upon which societies may be formed or may continue in existence; (b) minimum rates of membership fees or other charges upon members; and (c) rules for the conduct of the business of societies and for reports. A society is at liberty to make and establish bylaws and rules for the conduct of its own business, subject to the approval of the Minister, in each case. The powers and duties of the agricultural society are described in the Act. Winding-up procedures are also outlined.

## VII. CO-OPERATIVE AND CREDIT UNIONS

### CO-OPERATIVE DEVELOPMENT LOAN ACT, R.S.N. 1970, c. 64.

With the passage of the Government Reorganization (General and Miscellaneous Provisions) Act 1973 No. 48 the Co-operative Development Board of Newfoundland ceases to exercise its powers, functions and duties and winds up operations. Administration is turned over to the Minister of Finance.

### CO-OPERATIVE SOCIETIES ACT, R.S.N. 1970, c. 65.

This Act contains the rules defining the purposes and governing the operation of co-operative societies.

Subject to this Act, (a) societies which have as their object the promotion of the economic or social interests of their members; or (b) societies which have, as their main purpose, the provision of services for community welfare in accordance with co-operative principles may be registered under this Act with limited liability. The expression "co-operative principles" includes (a) open membership; (b) one member vote, with no proxy voting; (c) low interest rate on capital; and (d) a return or credit to members, in proportion to the partonage, of the net surplus of the society remaining after provision is made for expenses of operation, business, interest on capital if any, or the collective use of such net surplus for the social or economic benefit of members, or the disposal of it for any of those objects.

This Act outlines the powers and privileges of a society, procedures to be followed and conditions under which certain actions may be taken and related matters. The Act is administered by the Minister of the Department of Provincial Affairs and Environment.

## VIII. LABOUR

### THE ANNUAL VACATIONS WITH PAY ACT, R.S.N. 1970 c. 9.

This Act permits agricultural workers to take an annual leave with pay of two weeks under certain conditions.

Where an employee works for an employer at least ninety percent of the regular working hours in any 12-month working period; and the continuous to be employed, the employer is required not later than ten months after that 12-month period ends to give the employee an annual vacation of two weeks.

Where an employee works for an employer at least ninety percent of the regular working hours in a continuous 12-months period; and the employees employment with that employer ceases before the end of that period or before he is given his annual vacation the employer must pay the employee an amount equal to four percent of the employees total wage for the hours worked.

Where an employee works less than ninety percent of the regular working hours in a continuous 12-month working period and continues to work for that employer, the employer must pay the employee an

## (Labour)

amount equal to four percent of the employees total wage for the hours worked. An employer must pay an amount equal to four percent of the employees total wage for the hours worked when the employee has worked less than ninety percent of the regular working hours during a continuous 12-month period and his employment ceases before the end of that period.

Where a special holiday occurs during the period of the annual vacation the period of the vacation must be lengthened by one working day.

Where an employee is entitled to an annual vacation the employer must permit the employee to take the annual vacation to which he is entitled within ten months after the date of which he becomes entitled.

An employee may not later than the day on which he becomes entitled to an annual vacation, give his employer written notice that he desires to take his annual vacation in one continuous period or that he desires to take his annual vacation in two periods one week each, and where such notice is given the employer must permit the employee to take the annual vacation in the manner mentioned in the notice.

Unless otherwise agreed in writing, every employer must give to each employee who is entitled to annual vacation not less than one week written notice of the commencement of his vacation. Employers are required to keep records to show compliance with this Act.

Other provisions deal with certain effects of termination of employment, the prohibition of discrimination by the employer, the type of regulations which can be made under the Act, the determination of the average wage and procedures to be followed when a dispute occurs.

### THE MINIMUM WAGE ACT, R.S.N. 1970, c. 238.

Agricultural workers are entitled to minimum wages under this legislation. The Minimum Wage Board is established. The Board may arrange for a conference between employers and employees for the purposes of obtaining information as to the prevailing rates of wages and conditions of employment and may accept recommendations with respect to any matters which may be dealt with by the Board.

The Lieutenant Governor in Council may by order give effect to any recommendation made by the Board and may prescribe the penalties for breach of any of the provisions of the order. He may appoint officers for the purpose of investigating any complaints and otherwise securing the proper observance of this Act.

If an officer finds that an employer has failed to pay to an employee wages according to the prescribed rate, the officer may determine the wages unpaid. If the amount is agreed upon in writing by the employer and the employee, the employer must within two days transmit the amount to the Deputy Minister, who leaves pay it to the employee. The employer is not liable to prosecution under this Act for failure to pay to the employees concerned the amount of the wages covered by the payment to the Deputy Minister.

### THE WEEKLY DAY OF REST ACT, R.S.N. 1970, c. 395.

This is an Act to provide a weekly day of rest for certain employees including agricultural workers.

Every employer must allow his employees a rest period of at least 24 consecutive hours in every seven days, and, wherever possible, such rest periods are to be on Sundays. The Act provides for a temporary exemptions due to abnormal pressure of work.

## (Labour)

The Lieutenant Governor in Council may make regulations for dealing with any matters for which no expressed provisions have been made or in respect of which partial or imperfect provision has been made. The Minister may appoint or designate inspectors, officers and other persons for the proper carrying out of this Act and regulations.

Remaining sections define the powers of inspectors, records to be kept by employers, offences and penalties.

# NEWFOUNDLAND

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## NOVA SCOTIA

### I. ADMINISTRATION

#### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

This Act, in conjunction with the Public Service Act, establishes the broad functions of the Minister of Agriculture.

A Department of Agriculture and Marketing is to be continued and shall be presided over by the Minister of Agriculture and Marketing. The Department is to be administered under and in accordance with this Act and the other statutes of the Province relating to agriculture and marketing.

The Minister, with the approval of the Governor in Council, may make rules and regulations for the purpose of carrying out the provisions of this Act.

The provisions of this Act may be found under several sections in this publication.

#### PUBLIC SERVICE ACT, R.S.N.S. 1967, c. 255.

Authorizes the establishment of the Department of Agriculture and Marketing. The Minister of Agriculture and Marketing is responsible for the supervision, direction and control of all matters relating to agriculture and land settlement, and the collection and dissemination of all facts and statistics relating to agriculture. He has other powers and discharges such other duties as are conferred upon him by any Act of the Legislature or as may be assigned him by the Governor in Council.

### II. LAND

#### 1. Development

#### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

Empowers the Minister to make arrangements with Canada for land improvements.

Under Part XX of this Act, entitled "Land Conservation and Use", the Minister may enter into and carry out an agreement with the Government of Canada or a Minister or agency thereof for the execution of a work or a program of work for the protection, reclamation, conservation and improvement of land and for the more effective and economical utilization of land, or for any of those purposes.

For the purpose of carrying out an agreement entered into under this Part, the Minister may acquire and use real and personal property; construct drains, roads, break-waters, dams, ditches, canals, excavations and other works and things for the reclamation, protection, and improvement of land; make regulations respecting

## (Land)

the use or protection of, and the more effective utilization of, land reclaimed, protected or improved by work performed under an agreement; and may prescribe penalties for the violation of these regulations.

### DITCHES AND WATER COURSES ACT R.S.N.S. 1967, c. 78.

Intended to enable municipalities to coordinate drainage programs.

The Act applies to municipalities and incorporated towns, and concerns deepening or widening any ditch or drain already existing, as well as making a new ditch or drain. Every council must name and appoint an engineer to carry out the provisions of this Act. The Act provides that the owners of adjoining lands are to construct, improve and maintain ditches and drains in proportion to their interests in them unless the municipal engineer otherwise directs. Where an owner does not keep his section of a ditch in reasonable repair and a complaint is made to the municipal council, the engineer will examine the ditch and report to the Council. If the engineer or inspector certifies that the complaint is well founded, the council may order the work done. There are provisions in this Act covering inspection, payment of engineer's or inspector's fee and cost of work. The Act also deals with the settlement of disputes regarding ditches, the duties of the engineer in making awards and assessing for costs, and the procedure for making appeals against the engineer's decision.

### LAND AND FORESTS ACT R.S.N.S. 1967, c. 163.

Gives the Minister of Lands and Forests supervision and control of crown lands, and conservation responsibility for all forests, game and game fish.

Subject to this Act, any person may, by petition addressed to the Minister, apply for a grant of any Crown Lands. The petition may be approved by the Minister if he is satisfied that: (1) the land applied for is suitable for settlement and for agricultural or grazing purposes; (2) the petitioner desires the land for his own benefit and for the purpose of actual settlement and for agricultural or grazing purposes; and (3) the land applied for does not exceed 150 acres.

The Governor in Council, on the recommendation of the Minister, may give a lease of Crown Lands on terms to be prescribed, if the land proposed to be leased is of inferior quality and the person proposing to lease undertakes to expend money in draining, dyking or developing the land. Crown lands may also be used for various other purposes such as grazing, cultivating and harvesting blueberries, etc..

Except as provided in the Agriculture and Marketing Act, no person may keep fur-bearing animals for the purpose of preserving and breeding from such animals, without first obtaining a permit from the Minister. All fur-bearing animals kept in captivity under the provisions of this Act and the places in which they are kept must be open to inspection by persons acting under the authority of the Minister. A permit may be cancelled by order of the Minister if good cause is shown.

## (Land)

### MARSHLAND RECLAMATION ACT, R.S.N.S. 1967, c. 177.

The Act provides detailed machinery for drainage and improvement of marshlands.

Subject to the approval of the Governor in Council, the Minister may develop, operate and maintain any works for the protection, drainage and improvement of marshlands and may enter into an agreement with the Government of Canada, the government of any other province, or with any department, body or person. The Minister may purchase or rent real and personal property; engage employees, consultants, contractors and other persons; and take, or authorize any person to take, any action which may be necessary for carrying out the purposes of this Act.

The Governor in Council may appoint a Marshland Reclamation Commission consisting of such persons as the Governor in Council determines.

The Commission must advise the Minister on matters related to reclamation and protection of marshland and its development and maintenance for agricultural purposes, study and examine proposals, and make recommendations to the Minister.

The owner or occupants of marshland may direct a petition to the Provincial Secretary asking that the owners of marshland within the section be incorporated as a "marsh body".

The Act prescribes the form of organization, the powers of a marsh body, the manner of assessment and rating of the owners, the borrowing power of a body, and its powers of entry and expropriation.

### WATER ACT R.S.N.S. 1967, c. 335.

The Act intends through regulation and orders to ensure orderly development of water resources.

The Governor in Council may make regulations providing the procedure to be followed on applications under this Act for authorization to use a water course or water therein, and for the more effective use of this Act and the carrying out of its purposes. The Minister may direct or order that examinations and surveys be made of the use or future use of water courses.

The Governor in Council may appoint a Nova Scotia Water Resources Commission and appoint an Advisory Board to the Commission. Local Advisory Boards for specified areas may also be appointed.

Subject to this Act, the Minister has control of the use of all surface, ground and shore waters; the allocation of the use of water; pollution originating within the jurisdiction of the province; and alteration of the natural features of any water course or lake and the natural movement of water.

### WELL DRILLING ACT R.S.N.S. 1967, c. 337.

Intended to ensure the availability of competent well drillers and to regulate the location and construction of wells.

No person who is not the holder of a licence, shall for gain or reward contract to drill a well for another person or carry on the business of well drilling or hold himself out as a well driller.

## (Land)

Subject to the regulation, the Minister, or a person authorized by him for the purpose, may, upon payment of a prescribed fee, issue a licence to a person authorizing him to carry out the business of well drilling. The Minister may refuse to issue or may suspend or cancel any licences. The person concerned may appeal to the Governor in Council.

Every licensee must, within one month after the drilling is completed, make a report to the Minister in the form prescribed and permit an inspector to examine and inspect his records, equipment and well drilling operation; and must keep such records as are prescribed by the regulations.

The Governor in Council may appoint a Well Drilling Advisory Board to advise the Minister on the administration of this Act and to perform other functions prescribed by the regulations.

The Governor in Council may make regulations prescribing the forms of application for licences, the fees for licences, the form and content of records and reports to be made by licencees; and, subject to the Public Health Act, regulating and controlling the location, spacing, drilling, construction, testing, altering, repairing, sealing and capping of wells, and the materials, methods and equipment used.

## 2. Tenure and Assessment

### ANGLING ACT R.S.N.S. 1967, c. 9.

Removes uncertainties regarding residents' rights to access for fishing.

Any resident of the province has the right to go on foot along the banks of any bodies of water, and across any uncultivated lands and Crown Lands for the purpose of lawfully fishing with rod and line in such rivers, streams or lakes. Any resident may go on any river, stream or lake in a boat or canoe or otherwise for the purpose of lawfully fishing with rod and line. The rights conferred do not in any way limit or restrict the right of an owner or occupant to compensation for actual damages caused by any person going upon or across such lands. This right does not apply to the land of an occupant licensed for fishing rights by the municipal council.

### ASSESSMENT ACT R.S.N.S. 1967, c. 14.

This Act, while imposing general liability for municipal taxation, sets out certain important exemptions relating to agriculture.

The following property is exempt from municipal or town taxes under this Act: the property of an agricultural society organized under Section 7 of the Agriculture and Marketing Act; the livestock, implements and machinery belonging to a farmer and used in working his farm; and the unprocessed produce of the farm.

### COMMON FIELDS ACT R.S.N.S. 1967, c. 40.

Imposes obligations for maintenance of boundary marks on open land and restoration of defective fences, with procedure for fencing common land and for management of land and animals.

## (Land)

Every proprietor of lands lying unfenced or in a common field must, on six days notice given to him or his agent by an adjoining proprietor, run the lines and make up and keep the boundaries of such lands by stones or other sufficient marks. When his part of the fence becomes defective he must immediately make this a legal fence. If he neglects to do so after three days notice given him by the field keeper or any proprietor, any fence viewer, on application, may cause the fence to be repaired. The person who should have repaired the fence must pay double the expense of such repairs to the fence viewer.

The proprietors of common fields must meet annually. They may make regulations respecting the managing, fencing and improving of such common fields. The regulations must be entered into a regulations book to be signed by the chairman of the meeting. The production of the book and proof of the entry made is sufficient evidence of the regulation.

Every brand or mark adopted by the proprietors of any common field by their regulation, for marking animals to be turned into such field must, before being used, be entered in the book of regulations.

### EXPROPRIATION ACT, R.S.N.S. 1967, c. 96.

Establishes powers and machinery for acquiring land for public purposes.

The Minister may purchase or acquire, and, without the consent of the owner, enter upon, take and expropriate any land which he may deem necessary for any purpose relative to public works. The Minister may, without the consent of the owner, enter upon, take and expropriate, any land which he may deem necessary for the purpose of encouraging farm settlement within the province; or for any public purpose of Nova Scotia.

The Minister and the owner may agree upon the amount of compensation, or either party may give notice in writing to the other that he requires the amount of such compensation to be determined by arbitration under the provisions of this Act. The Minister may appoint a person, not in the Public Service of the province, to determine the amount to be paid. If either party is dissatisfied with this determination, they may proceed to have the amount of compensation determined by a judge.

The Act lays down the procedure to be followed in expropriation, compensation and awards.

### LAND ACTION VENUE ACT R.S.N.S. 1967, c. 160.

Establishes a court for litigation in land disputes.

All action for trespass to lands or in which possession or recovery of lands is sought, and all actions in which the title to land is in issue shall, unless the court or a judge otherwise orders, be tried in the county in which the lands lie. If the lands lie in more than one county, then the action shall be tried in any of the counties in which any part of the lands lie.

## (Land)

### LAND TAX ACT, R.S.N.S. 1967 c. 161.

Provides special taxation on land over 1,000 acres.

In each year, every person who, on the first day of January, is an occupant of more than one thousand acres of land within the province must pay to Her Majesty for the use of the province a tax of one percent of the value of such land. Every such person is exempt from taxation in respect of one thousand acres and the amount of exemption is to be determined on the basis of the average value of all his lands within the province and a "pro rata" deduction made. Except as provided in this Act, the value of lands for the purpose of taxation under this Act is \$2 per acre.

The method for submission of returns and notices, the evaluation of land, the method of assessment, the hearing of appeals from the decision of the assessors, the method of collecting the tax, the treatment of overdue taxes, including forfeiture of lands for tax arrears, and the imposition of additional taxes and penalties, are described.

### LAND TITLE CLARIFICATION ACT, R.S.N.S. 1967, c. 162.

Seeks to encourage the land developer's and investor's confidence and to promote development in areas where defective land titles exist, by simplifying title clarification.

Where the residents of an area of a municipality are in necessitous circumstances as a result of lack of property development in the area and where there appears to be confusion as to the ownership of land, the Governor in Council may designate the area as a Land Titles Clarification Area.

A person who resides in the province and claims to own land in a Land Title Clarification Area may apply to the Minister for a Certificate of Claim of the lot. When it appears from the application that the applicant is entitled to the lot, the Minister may issue a Certificate of Claim to the applicant.

The appointment and powers of a Commissioner to examine claims are prescribed. The investigation of claims for any payment of compensation is provided for in the Act.

### OVERHOLDING TENANTS ACT, R.S.N.S. 1967, c. 219.

Gives the Magistrate several jurisdictions for claims by the landlord for arrears of rent and monies due for occupancy after the end of the lease.

If a tenant, after his tenancy or right of occupation has expired or been determined, does not give up the land held by him, the landlord or his agent may, without any demand on the tenant, file a complaint under oath with a magistrate. The magistrate may issue a summons to the tenant.

The landlord may include in his complaint a claim for any arrears of rent and for the value of the tenant's use and occupation. The actions which the tenant may take are specified. The magistrate may give judgement, for any amount not exceeding \$500, that he considers proper in the circumstances, including costs to the successful party which shall not, in any case, exceed \$15, disbursement included.

The Act also deals with appeals against the decision of the courts.

## (Land)

### PUBLIC HIGHWAY ACT, R.S.N.S. 1967, c. 248.

Empowers the Minister to control access to highways and to prevent commercial retail operations nearby. Similar powers are provided relating to snow clearance, construction near a highway and drainage control.

Where any land has been designated as a controlled-access highway, no person can, without a written permit from the Minister, construct, use or allow the use of any private road, entrance way or gate opening upon the controlled-access highway. No person may sell any vegetable, fruit, meat, fish or other product within 150 feet of the limit of the controlled-access highway. Building restrictions are outlined.

The Minister or any authorized person may enter the land of any person which adjoins the highway and erect and maintain snow fences, and take down, alter or remove any fence or obstruction of any kind that causes drifts or an accumulation of snow so as to impede or obstruct traffic. He may also enter this land to construct, open, maintain or repair any drain, gutter, sluice, or watercourse.

### REGISTRY ACT R.S.N.S. 1967, c. 265.

Describes the duties and entitlements of registrars, how registrations of instruments are to be made, the effects of registration, the discharge of registered instruments and other similar matters. Registration districts are established with a registrar of deeds in each.

### SALE OF LAND UNDER EXECUTION ACT, R.S.N.S. 1967, c. 275.

Requires a delay of one year after registration of judgement in a Deed Registry Office for sale under execution.

The land of every judgement debtor may be sold under execution after the judgement has been registered for one year in the Registry of Deeds of the registration district in which the land is situated. Where a judgement has been registered for one year the Sheriff, on receipt of an execution issued on the judgement, shall proceed to sell without appraisement.

Remaining provisions of the Act cover the advertisement of sale, procedures to be followed by the Sheriff, handling of any surplus proceeds, and related matters.

### TENANCIES AND DISTRESS FOR RENT ACT, R.S.N.S. 1967, c. 302.

Stipulates the type of goods (grain, livestock, machinery etc.) that may be seized and the procedure to be followed in seizing goods for nonpayment of rent. It also lists the articles that are exempt from distress for rent. All articles or goods in the possession of the tenant and held by the tenant under a duly filed agreement for hire, lease, contract, or conditional sale are exempt from distress for rent.

## (Land)

### QUIETING TITLES ACT, R.S.N.S. 1967, c. 259.

Provides mechanism for a person to establish his title and secure a certificate after registration and to recover money from unentitled occupants.

Any person who claims a property right in land may commence an action in the Supreme Court or in the County Court or the District in which the land lies for a certificate of title under this Act. The Act describes the procedure and the course to be followed if the judge is not satisfied with the statement of claim and supporting materials and deals broadly with the granting, issue, registration and effect of a certificate of title.

## III. FARM FINANCE

### 1. Credit

#### AGRICULTURE AND RURAL CREDIT ACT, R.S.N.S. 1967, c. 4.

To establish the Farm Loan Board and give it power to make loans, including guaranteed loans for agriculture purposes.

The purpose, duties and powers of the Board are to make loans to, or guarantee loans of, a borrower for the purpose of acquiring or improving any farm, plant, machinery or equipment; to acquire, hold or dispose of farms or buildings or agricultural lands; to acquire, hold and dispose of livestock, agricultural machinery and equipment; to erect buildings, make permanent improvements and carry on farming operations on lands owned by the Board; to collaborate with personnel of the Department of Agriculture and Marketing regarding the extension of credit to further agricultural production; to approve or reject applications for the purchase of farms, stock, agricultural machinery or equipment, upon such terms as the Board may determine; and such other purposes, duties and powers as the Minister may approve or determine.

The Board may, subject to the approval of the Governor in Council, make regulations prescribing the terms, conditions, interest rates and limits of loans; prescribing forms of mortgages, agreements and documents; prescribing the form and conditions under which borrowers must present their financial statements; providing for the reduction of installment amounts due; and prescribing the conditions upon which borrowers may transfer their rights.

### 2. Income Assistance

#### CROP INSURANCE ACT, S.N.S. 1968, c. 6.

Establishes the Nova Scotia Crop Insurance Commission and a Crop Insurance Fund, and sets out the Commission's function and power and the conditions under which it may make regulations regarding voluntary plans for the insurance of insurable crops. It also provides for a Crop Insurance Agreement with the Government of Canada.

It is the function of the Commission and it has the power to administer plans of crop insurance established by the regulations; conduct research programs and obtain statistics for the purposes of the Commission; evaluate losses and pay claims; enter into agreements for the soliciting and receiving of applications for insurance, the collecting of premiums and the adjusting of claims; administer this Act and the regulations; require

## (Farm Finance)

an applicant or an insured person to furnish required information; perform such other functions and discharge such other duties as are assigned to it by the Governor in Council.

The Commission may make regulations establishing, amending and revoking voluntary plans for the insurance of insurable crops, and governing the terms and conditions of insurance under any plan; designate perils for the purpose of any plan; determine coverage and establish values with respect to insurable crops; and fix the final date in each year for the receipt of applications. A plan may apply to one or more insurable crop and may apply to all or any part of the Province.

The Governor in Council may make regulations designating any agricultural crop as an insurable crop; providing for the arbitration of disputes; providing for the appointment of arbitrators; determining the constitution of Boards of Arbitration and regulating their practice and procedure; and respecting any matter necessary or advisable to carry out effectively the intent of this Act.

The Minister may, with the approval of the Governor in Council, enter into an agreement with the Government of Canada as provided for in the Crop Insurance Act (Canada).

### LIVESTOCK LOAN GUARANTEE ACT, S.N.S. 1970-71, c. 15.

To assist farmers in securing loans for the purpose of financing the purchase of female cattle, female sheep or such other animals as may be designated by the Governor in Council.

The Act sets forth the conditions for payment by the Minister for the amount of loss sustained by the lender and the limit of liability of the Minister. The Minister is not liable under this Act to pay to a bank, credit union or caisse populaire, in respect of losses sustained by them, an amount in excess of 25 percent of the aggregate principal amount of livestock loans made during a designated period.

The Governor in Council may make regulations prescribing the methods for determining the amounts of losses sustained by lenders as a result of making livestock loans; prescribing the procedures to be followed by lenders in making claims for losses sustained; prescribing the form of any document required for the purposes of this Act; prescribing the measures to be taken and the procedure to be followed by lenders for the collecting of outstanding loans; prescribing the manner and time within which lenders are required to submit reports on livestock loans to the Minister; prescribing the nature and kind of security to be taken by lenders for the repayment of livestock loans; prescribing the maximum rate of interest on livestock loans in respect of which the Minister will make payment to lenders for their losses, and related matters.

## IV. PRODUCTION

### 1. General

#### PEST CONTROL PRODUCTS ACT, S.N.S. 1970, c. 12.

To provide safeguards in the sale and use of pesticides.

The Governor in Council may make regulations prohibiting, restricting the sale, offering for sale, advertising, possession, distribution or use of a control product; prescribing the nomenclature of pests, control products and kinds of pests and control products; exempting any person or class of persons or any control products; respecting the taking of samples and the making of analysis; respecting the function, power and duty of inspectors and analysts appointed under this Act; and generally for the carrying out the purposes or for the more effective administration of this Act.

Where a person is convicted of violation of any provision of the regulations in respect of a control product, the magistrate, justice or judge who convicts the person may make an order directing the seizure and destruction of the control product. This order may be enforced by an inspector or any person designated by the Minister.

#### RESEARCH FOUNDATION ACT, R.S.N.S. 1967, c. 270.

The Nova Scotia Research Foundation is set up by this Act and its purpose and function are defined.

The Research Foundation shall have charge of all matters affecting scientific and industrial research within the province which may be assigned to it by the Governor in Council and must advise the Governor in Council on questions of scientific and technological methods affecting the utilization of the natural resources or the expansion and development of industry in the province. The Foundation may conduct investigations to improve the conditions of agriculture, fisheries, lumbering and mining or for the economic betterment, welfare and progress of the province.

#### CATTLE PEST CONTROL ACT, 1970, c. 2.

Provides for the control of the cattle pest commonly known as the warble fly.

A board may formulate a treatment program for the control of warble fly in an area and may submit the treatment program for the approval of the Minister of Agriculture and Marketing and the Council of each municipality in the area. When the program is approved the Board must carry out and enforce the treatment program in the area in accordance with this Act.

Cattle owners must: make the cattle available for inspection and treatment at the time and place prescribed by the board; permit the board or any inspector to have access to the place at which cattle are kept at all reasonable times; pay, upon demand, the fees prescribed for treatment and services related to the treatment program.

## (Production)

The cost of a treatment program established by the Board is the joint responsibility of the Minister and municipality or municipalities in the area. Provincial and municipal contributions, apportionment among municipalities and recovery of municipal contributions of the cost for the warble treatment program are set down.

### FENCES AND IMPOUNDING OF ANIMALS ACT, R.S.N.S. 1967, c. 104.

Provides the machinery to compel an owner to maintain fences or pay the cost.

The proprietor of an adjoining field must build and maintain his proportion of fencing. If he neglects or refuses to do so, any fence viewer may cause the fence to be built or repaired, and the proprietor must pay double the expense of making or repairing the fence. These expenses are to be recovered by the fence viewer, together with his costs.

If any damage is done by animals breaking into and destroying the product of any enclosure, the owner of the animals must pay compensation. In every case where damage is done to the enclosed land of any person by any animal breaking the fence, the owner of the animal is liable for damages.

The persons whose fences have been broken and whose enclosures have been damaged may impound the animals until the owner claims them and pays for the damage done.

The county of Halifax, upon petition of a majority of ratepayers, may pass a by-law permitting cattle to run at large. In this case, no action for damages caused by cattle running at large is maintainable unless the land is enclosed by a lawful fence.

### LIVESTOCK BRAND ACT, R.S.N.S. 1967, c. 170.

Provides for the allocation of brand to specific owners in order to identify stock.

“Brand” includes any tattooed letter, numeral or combination thereof. “Livestock” includes horses, cattle, sheep, swine and domestic fowl.

No person may brand any livestock except with a brand allotted to him under this Act. Any brand allotted is valid for five years and may be renewed for a further period. Any person to whom a brand is allotted may transfer the right to use the brand to any other person upon application to the Provincial Husbandman.

### SHEEP PROTECTION AND DOG REGULATION ACT, R.S.N.S. 1967, c. 281.

The sections of this Act that are relevant to agriculture cover the protection of sheep from dogs.

Any person may kill any dog that is found pursuing, worrying, wounding, killing or injuring sheep, or that is found straying at any time and not under proper control upon premises where sheep are usually kept. Whether the owner of such a dog is known or not, the municipality in which the sheep were killed or injured is liable to the owner of the sheep for the amount of damage, and must pay such amounts within thirty days after the owner has filed with the clerk an affidavit that the sheep were killed or injured by a dog not owned by him or his household.

## (Production)

A municipality having paid to the owner of the sheep the amount of the damage ascertained is entitled to recover this amount from the owner of the dog. Where a dog is known to have killed or injured sheep, the owner, on being notified, must within 48 hours cause the dog to be killed. If he does not kill the dog, he may be summoned before a magistrate or a justice of the peace who may order that the dog be killed. In such a case, a constable may enter the premises of the owner and kill the dog.

### STRAY ANIMALS ACT, R.S.N.S. 1967, c. 294.

Provides during winter months that an unidentified stray animal may be detained and sold by municipal authorities. It denies owners of dogs worrying sheep any compensation if a dog is killed; and it vests regulatory powers in municipal councils.

Between the first day of November and first day of May, if any animal (horses, cattle, swine and sheep) whose owner is unknown, strays onto the property of any person, the animal may be detained. If the animal is not claimed within 24 hours, the municipal clerk must be notified.

The Act describes how the animals may be sold where no claimant appears and how the proceeds of the sale are to be applied. If the owner claims the animal before sale, he must pay the finder his reasonable expenses of keeping, and also the municipal clerk's fee and if advertised, the reasonable expense of advertising.

Dogs found chasing or worrying sheep may be killed and the owners of such dogs have no right of action against the person killing the dogs.

Municipal councils may make by-laws to prevent or regulate horses, cattle, sheep, dogs, swine, vicious animals and geese from running at large, and may affix penalties for breach of such regulation.

## 2. Crops

### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

Part VIII of this Act deals with encouragement of Seed Growing. The act provides for the appointment of a Provincial Agronomist who is to have all the powers of an inspector appointed under this part of the Act. The Governor in Council may proclaim any area or areas a "special area" for the purpose of encouraging the growing of pure seed of any farm or garden crops, and to prevent the cross-pollination of such seed.

The Governor in Council may make regulations for the approval of a variety or varieties of seed; for the proclaiming of or the cancelling of a variety area or areas; for the inspection, test and approval of such seed and the inspection of such areas; and for the regulation of such other matters as may be necessary to carry out the purposes and provisions of this Part.

Part X of the Act deals with Soil Improvement.

The Governor in Council may appoint a person to be the Provincial Chemist. His duties are prescribed. These include the testing of soils and other substances used for agricultural purposes, and providing advisory services for farmers and others.

## (Production)

The Governor in Council may operate limestone quarries, and facilities for the production, manufacture, storage or distribution of agricultural limestone, to carry out the provisions of this Part; and may facilitate the economical distribution of agricultural limestone by rebates of freight rates, cash bonuses or by other methods and for such periods as are deemed expedient.

**Part XI** of the Act is designed to protect cranberries.

Provision is made for the appointment of municipal berry committees, who may fix the time of harvesting and prohibit the use of mechanical means of harvesting. The counties to which this Act applies are specified.

**Part XII** deals with the control of plant disease, insects and pests.

This part applies only to such plant diseases, insects and pests as the Governor in Council may declare to be subject to this Part. The Governor in Council may appoint a person to be Provincial Entomologist who shall have and may exercise all the powers of an inspector appointed under this Part. The Governor in Council may make regulations to eradicate, control or prevent the introduction into the province or the dissemination therein of such plant disease, insect or pest.

It is unlawful for any person to have in his possession or to scatter any infected vegetation, vegetable or other matter that the Minister deems to be likely to introduce disease, insects or pests into the province. Regulations may be made providing for the treatment to be given to eradicate or control the disease or pest; prohibiting the sale of infected vegetation or vegetable matter; establishing quarantine areas; providing for the seizure, confiscation and destruction of infected vegetation; and concerning similar matters.

Provision is made for the appointment of inspectors and other officers for carrying out this Part and its regulations and the inspectors' powers are defined.

**Part XIII** deals with the prevention, control and elimination of the apple maggot.

The Board, subject to the approval of the Governor in Council, may make regulations prohibiting possession of any vegetable or other matter likely to introduce or spread apple maggot, and prescribing any exceptions. The regulations may prescribe treatment and name the party responsible for giving the treatment; they may require the occupier to immediately notify the Board if apple maggot is discovered. Provisions also cover seizure, confiscation and destruction of vegetation infested with the apple maggot.

The Board may designate any area as an "Apple Maggot Control Zone" for the purpose of controlling or eradicating the apple maggot, and may prevent movement of any apples from any part of the province to any place except with the consent of the Board.

The Board and its inspectors and officers have powers of entry if they suspect that apple maggot exists upon any lands or buildings.

## POTATO INDUSTRY ACT, R.S.N.S. 1967, c. 232.

Provides for orderly development of seed potatoes and table stock potatoes and includes provisions for the prevention of diseases and pests.

The Governor in Council may, on application, establish any area in the province as a certified foundation seed area or certified seed area and may make regulations governing the planting, growing, digging, storing and conveying of potatoes in such an area. He may make regulations governing the conveyors of potatoes

## (Production)

between such areas and other parts of the province, the source and quality of seed to be planted, the standards of certification for foundation seed, compulsory roguing, the period during which and the extent to which roguing and removal of defective plants may be practised, and the compulsory destruction of crops.

An application for the establishment of a certified foundation seed area or certified seed area must be addressed to the Minister, signed by at least 80 percent of the growers residing in the proposed area and state the boundaries, the approximate acreage of potatoes grown, the number and names of growers residing within the proposed areas and such other facts as may be required by the regulations.

Another Part, "Disease Control", empowers the Governor in Council to make regulations for the purpose of preventing the introduction of any insect, pest or disease. The Minister may appoint inspectors for the purpose of carrying out this Act and regulations. Their powers are specified.

### WEED CONTROL ACT, R.S.N.S. 1967, c. 336.

Provides for the designation of plants as noxious weeds where appropriate, destruction of noxious weeds, and assistance to municipalities.

The Governor in Council may designate plants as noxious weeds generally, or in respect of any part of the province. An occupant of any land must destroy all noxious weeds as often as is necessary to eliminate them or to prevent the ripening of seed. The Minister may appoint a Chief Inspector and district inspectors. The Council of a municipality must appoint one or more inspectors for the municipality. The powers and duties of inspectors are described and also the liabilities of an occupant of land in the event of non-compliance with a directive from an inspector.

The Governor in Council may make regulations prescribing methods and procedures for destroying noxious weeds and weed seeds and for preventing the establishment of noxious weeds; regulating and prohibiting the transportation of farm produce infested with noxious weeds or weed seeds; providing for reimbursement of municipalities for money expended under this Act; and similar matters.

The Minister must appoint a Weed Control Advisory Committee which will include at least one representative of the Nova Scotia Federation of Agriculture, for consultation on all matters concerning the administration of this Act.

### 3. Livestock

#### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

Part III of this Act, "Encouragement of Cattle Breeding", prohibits the running at large of a bull over eight months old and forbids the keeper of a scrub bull to allow the bull to serve any cow that is kept within an area declared to be a "prohibited area" for the purpose of this Part of the Act. The president or secretary of an agricultural society may make exceptions where it is impracticable to procure the services of a purebred bull.

This Part also provides for the establishment of Purebred Cattle Areas within which no person may keep any bull over the age of eight months that is not a purebred bull.

## (Production)

**Part IV, "Encouragement of Horse Breeding",** provides that all stallions being offered for use for breeding purposes must be inspected, classified, and registered annually and a certificate of enrolment obtained. Copies of certificates must be displayed inside and outside every building where a stallion is used for public service and certificates must be produced, if demanded. This Part also lists the diseases or malformations considered in determining the enrolment classification.

**Part V** is entitled "Encouragement of Poultry Breeding". The Minister may make regulations prescribing a policy to be known as the Nova Scotia Hatchery Approval Policy for the improvement of poultry stock and the eradication of disease. The regulations may prescribe standards and grades for chicks, poultry and hatcheries; standards for approved flocks for breeding purposes; measures for sanitation in or about hatcheries; measures for inspection and banding of poultry and marketing of chicks; methods of applying tests for disease in chicks and poultry; and other similar matters.

**Part VI, "Improvement of Livestock Breeding",** deals with artificial insemination of cattle, horses, sheep and swine. An Artificial Insemination Advisory Board is established to act in an advisory capacity to the Minister.

The Governor in Council may make regulations prescribing the powers and duties of the Board; requiring operators of artificial insemination centres and technicians to be licensed; prescribing requirements and minimum standards of these centres; providing for grants for these centres; providing for the keeping of records and furnishing of information; and exempting any person or class of persons from the provisions of this Part or regulation thereof.

**Part IX** is entitled "Encouragement of Dairying". The Superintendent of Dairying and any dairy inspector shall, for the purpose of carrying out this Part, inspect cheese factories, condensed milk factories, creameries, cream stations, dairies and ice cream factories, and shall give advice for the promotion of dairying in the province.

### **BRUCELLOSIS CONTROL ACT, R.S.N.S. 1967, c. 27.**

The purpose of this Act is to set up vaccination procedures against brucellosis.

Brucellosis control areas may be established under appointed committees and all female calves in these areas must be vaccinated. In the performance of his duties, under this Act, a veterinarian or inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may vaccinate or inspect the female calves on the premises.

Every cattle owner is liable for the cost of vaccination of his female calves, which is payable on demand to the veterinarian and is recoverable by the veterinarian in any court of competent jurisdiction.

The Governor in Council may make regulations prescribing the vaccines that may be used, the ages within which female calves may be vaccinated, the duties of inspectors, and dealing with similar matters.

### **LIVESTOCK HEALTH SERVICES ACT, S.N.S. 1968, c. 8.**

Intended to insure availability of veterinarian services by establishing Livestock Health Services Boards which may regulate and make agreements with veterinarians for provision of the health services.

## (Production)

The Governor in Council may appoint a Livestock Health Services Advisory Body. This Body shall: periodically review the functioning of livestock health services in the Province; have access to records kept by Boards; advise Boards respecting the carrying out of their functions under this Act; make recommendations to Boards respecting amounts of Board payments to veterinarians; and make recommendations to the Minister respecting amounts to be paid to Boards by the Governor in Council.

A Municipal Council may establish a Livestock Health Services' Board for the purpose of obtaining livestock health services and it may unite with other municipalities for that purpose. Subject to the regulations made under this Act, a Board may enter into agreements with veterinarians for the purpose of providing livestock health services.

Each member of a Board must at the time of his appointment be a livestock owner and the agricultural representative for the district is to be its secretary. The Act sets limits on the general administrative expenses of the Board. The Minister may pay to any Board double the total sums contributed to the Board by the municipalities, towns and cities. Limits are set as to the payments made by municipalities, towns or cities to the Board.

The types of regulations which the Governor in Council may make are listed. Veterinary Assistance Boards established under the Veterinary Assistance Act are Livestock Health Service Boards under this Act.

### POULTRY HEALTH PROTECTION ACT, S.N.S. 1972, c. 13.

Provides for regulations of the Governor in Council to eradicate and control contagious diseases amongst poultry.

The Governor in Council on the recommendation of the Minister of Agriculture and Marketing may make regulations for the purpose of eradicating or preventing the spread of contagious disease among poultry in the Province and for controlling or prohibiting the admission into the Province of poultry infected with a contagious disease.

The Governor in Council may make regulations: prohibiting the possession of poultry infected with a contagious disease; prohibiting the admission into the Province of poultry infected with a contagious disease; providing that no poultry may be admitted into the Province without a health certificate of the Veterinary Director General (Canada), or of such persons as may be designated by regulation; providing for the segregation or destruction and disposal, without compensation to the owner, of poultry infected with a contagious disease; defining the contagious disease(s) to which any regulation applies; generally for any other matter deemed necessary.

## V. MARKETING

### 1. General

#### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

Part XVII provides for the grading, packing, inspection and sale of natural products of the province.

“Product” includes animals, wool, meats, eggs, poultry, fruit, fruit products, vegetable, vegetable products, maple products, honey and such other natural products of agriculture as the Governor in Council may designate, and such articles of food or drink wholly or partly manufactured or derived from any such product as he may designate.

The Governor in Council may make regulations classifying and establishing grades for any product; with respect to packages or containers; and providing for the inspection, grading, packaging, packing, marking, shipping, advertising and selling of products within the province; prescribing when and where the regulations shall be in force; for the registration of packers and of persons assembling products; and for the registration and licensing of brokers, commission agents and dealers; and prescribing fees for such registration and licensing, and fees for the inspection of products, and other matters.

#### COLD STORAGE PLANTS LOAN ACT, R.S.N.S. 1967, c. 37.

Designed to provide funds for the erection and operation of cold storage plants.

The Governor in Council may make loans to any person, partnership, company or association of persons for the purpose of erecting, establishing, acquiring, owning or operating a cold storage plant or plants.

The Governor in Council may make regulations prescribing the form and manner of making applications and the manner in which applications are to be dealt with; prescribing the rates of interest and other conditions attached to the loans under this Act.

Every loan must be secured by a first mortgage and deed of trust in favor of the Minister and must contain such further covenants, provisions and conditions as the Minister deems proper.

The provisions and regulations set by the Governor in Council must meet the following conditions: The term of a loan may not exceed 20 years. No less than 50 percent of the loans must be repaid in the first 10 years. The borrower may be excused from principal payment during the first three years. However, the borrower is still responsible for the repayment of such principal and interest.

#### MERCHANDISE INSPECTION ACT, R.S.N.S. 1967, c. 182.

In addition to providing inspection standards for non-agricultural merchandise, the Act deals with the sales of potatoes and apples by weight and in barrels.

Potatoes and all edible roots must be sold by weight.

## (Marketing)

The size and dimension of barrels used for putting up or packing apples or potatoes for sale are as follows: the length of the stave or barrel shall be 29 inches, and the heads between chines, 17 inches, with a diameter in the center inside the barrel of 19 inches.

### MUNICIPAL CORPORATIONS' SUPPLEMENTARY POWERS ACT, R.S.N.S. 1967, c. 196.

This Act, while not of direct agricultural interest, does enable municipalities to regulate public markets.

Part IX, entitled "Public Markets", permits municipalities to continue and establish public markets; to regulate and control them; to apply rents and penalties for users of the markets and to receive the accounts of keepers and clerks of markets.

### NATURAL PRODUCTS MARKETING ACT, R.S.N.S. 1967, c. 106.

Covers a wide range of agricultural and fishery products, and other products derived from them. It empowers the Nova Scotia Marketing Board to enquire into aspects of production, distribution and transportation, together with pricing and management methods. Commodity boards may be established to regulate specific commodities.

In the matter of Natural Products, the Nova Scotia Marketing Board may investigate, arbitrate, or settle any dispute between producers, distributors or transporters; may investigate costs, prices, price spreads, and other related policy concerns; may establish commodity boards to carry out any plan established under this Act; and with the approval of the Governor in Council it may establish price-negotiating agencies and determine fair and minimum prices for any regulated product.

The powers of the Board to require producer registration, inspect vehicles, act conjointly with other boards, prohibit non-board marketing and to exercise power conferred under Federal Acts, are specified.

Section 4 permits the inspection of records of those engaged in production and marketing, and prohibits the obstruction of an officer or a person appointed by the Board in carrying out his duties.

The Board, subject to the approval of the Governor in Council, may make regulations providing for: the licensing of persons engaged in marketing; marketing on a quota basis; the fixing, allotting, transferring etc. of quotas; and prohibiting above quota marketing and non-quota holders from marketing.

The Governor in Council may, or subject to his approval the Board may, establish plans for the marketing of any natural product, and may constitute commodity boards to administer these plans. No plan can be established by a commodity board unless the board receives satisfactory evidence that the appropriate producers or persons engaged in marketing have had the opportunity to vote on the plan, and that two-thirds of the voters are in favor of its establishment.

### PUBLIC HEALTH ACT, R.S.N.S. 1967, c. 247.

To safeguard public health, the Minister is given powers to regulate storage, production and manufacture etc. of milk, meat and other foodstuffs.

## (Marketing)

Part VIII, entitled "Milk and Foodstuffs", provides for the inspection of places in which milk, milk products or other foodstuffs are produced, manufactured, stored, kept for sale or sold, and of vehicles in which they are transported; prohibits the sale of such products if the conditions in that place are unsanitary; and provides for the issue of permit books, inspection and keeping of records of permits.

No person who is infected with or is a contact of, or is known to be a carrier of a communicable disease, shall participate in any way in the storage, production, manufacture, transportation, etc. of milk or foodstuffs, unless he has a certificate from the director of a health unit that no infection or danger of infection exists by reason of his participation.

This Part also stipulates the restrictions on the sale of raw milk, the method and requirement of pasteurization, the bottling and sale of milk and cream, the homogenization of milk and the capping of bottles. Provision is made for inspection of the whole process of pasteurization and bottling.

## 2. Livestock

### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

Part XVIII of this Act deals with the regulating powers of the Nova Scotia Dairy Commission in the production and marketing of milk.

The Commission is empowered to arbitrate, adjust and settle disputes arising between groups in the milk marketing chain; to prescribe standards of prices for whole milk, cream and butterfat in designated areas of the province; prescribe maximum or minimum prices for milk; prescribe the quantities or the containers in which milk may be sold; prohibit, within the limits of an area designated by the Commission, the sale of milk and grades thereof.

No one may engage in the business of producing, supplying, transporting, processing or selling of milk unless licensed by the Commission. The Commission may make regulations specifying the terms and conditions upon which a licence may be obtained, the fees payable, and other related matters necessary to carrying out the provisions of this Part.

The Commission, or any authorized person, may enter and inspect any premises of a licensee under this Part or the regulations made under it.

The Commission may make regulations to: prohibit or regulate the manufacture, processing, distribution or sale of reconstituted milk; co-operate with a marketing board or agency of Canada or any province for the purpose of marketing milk; provide for the administration of the system of quotas; regulate the grading, inspection, packaging, marking, shipping, advertising and selling of dairy products in the province; provide for licensing of packers and distributors; and provide for appointment of graders and inspectors and prescribe their powers and duties.

The Commission may by regulation require every milk producer to pay licence fees, and may require every milk distributor to deduct these fees and pay the same over to the Commission. The Commission is to turn over these fees to the organization of milk producers.

## (Marketing)

### BABY CHICK PROTECTION ACT, R.S.N.S. c. 17.

Designed to protect chicks under two months from maltreatment.

Every person who displays, sells, barters, or gives, or offers to sell, barter or give a living chicken under two months of age that has been dyed, coloured or otherwise treated so as to impart to it an artificial color is guilty of an offence and liable on summary conviction to a fine not exceeding \$100, or to imprisonment of not more than 30 days, or both.

### IMITATION DAIRY PRODUCTS ACT, R.S.N.S. 1967, c. 133.

Intended to prohibit manufacture, sale or possession for sale of imitation dairy products without a permit.

"Imitation dairy product" includes any product for use as a dessert topping or as a coffee whitener and such other products as are designated as dairy products in the regulation; but it does not include peanut butter or margarine, as defined in the Margarine Act.

Subject to regulations of this Act:

no person shall manufacture, sell or offer for sale or have in his possession for sale any imitation dairy product;

the Minister of Agriculture and Marketing may appoint inspectors for the purpose of this Act;

an inspector may enter and examine any place, premises or carrier being used for storage, manufacture, sale or carriage of an imitation dairy product; and he may detain any imitation dairy product for inspection at the expense of the owner.

The Governor in Council may make regulations designating products as imitation dairy products; permitting the manufacture and sale of such products; providing for the issue of licences; prescribing the form, terms and conditions of such licences; providing for the transfer, renewal, suspension and cancellation of licences; prescribing the standards of quality for imitation milk, and any other matter for carrying out effectively the purpose of this Act.

### MARGARINE ACT, R.S.N.S. 1967, c. 174.

Requires restaurant operators to inform patrons when margarine is served, and regulates the manufacture of margarine by licensing and by prescribing standards of quality and color.

Every keeper of a public eating place where margarine is served must cause to be displayed in a conspicuous manner the words "margarine is served here". The requirements where menus are and are not used are set out.

It is unlawful to mix margarine with butter for purposes of sale or for use in any public eating place.

No person shall manufacture, sell, offer for sale or serve in any public eating place any margarine which contains any preservative (except salt) of a kind or in a quantity forbidden by the regulations.

## (Marketing)

No person can sell or offer for sale any margarine except in a package legibly marked with the word "margarine" or the trade name of the contents, the list of ingredients and the percentage of each ingredient, and the name and address of the manufacturer. Margarine manufacturers must be licensed by the Minister.

The Governor in Council may make regulations prescribing standards of quality of margarine. Restrictions on the color of margarine offered for sale or served to the public are also specified in the Act. Inspectors may be appointed to enforce the Act. Their powers are set down.

## VI. AGRICULTURAL SOCIETIES, PROFESSIONAL ASSOCIATIONS AND EDUCATION

### AGRICULTURE AND MARKETING ACT, R.S.N.S. 1967, c. 3.

#### A. Agricultural Societies

Part II of this Act provides legislative authority for the establishment of agricultural associations.

An agricultural society may be organized for any district by ten or more persons who sign the required forms, paying a fee of not less than one dollar per person and not less than \$40 per society annually.

The objects of an agricultural society are to promote improvement in agriculture and rural community life. Various means are prescribed. The power to make by-laws for the management and regulation of the business of the society and for carrying out its objects is subject to the approval of the Governor in Council.

The members of an agricultural society may become members of the local district Federation of Agriculture by complying with its by-laws and by payment of the required fee.

#### B. Nova Scotia Federation of Agriculture

Provision is also made in Part II for the continuation of the Nova Scotia Federation of Agriculture. The object of the Federation is to allow members to exchange information, to help form county and district Federations of Agriculture, to circulate relevant literature, and related purposes.

The Act sets out the organization of the Federation. The objects, powers and duties of county and district federations are prescribed. Provision is made for the formation of a Community Club for each school district. The appointment of a Superintendent of Agricultural Associations is authorized and his duties are listed.

## (Societies, Professional Associations and Education)

### **C. Horticultural Societies**

In Part VII provision is made for the formation of horticultural societies. The object of such a society is to encourage and improve horticulture through instruction and discussion; planting and distribution of trees, shrubs and flowers; holding competitions and exhibitions; giving premiums for specified products; and circulation of information material.

The Act prescribes the organization and meetings of these societies, and the conditions for receiving annual provincial grants and the amounts.

### **D. Exhibitions**

Provisions in Part XV cover annual county and district exhibitions. Subject to the approval of the Governor in Council, any agricultural society, federation, or association may hold an annual exhibition of agriculture or horticulture produce, farm stock or articles of domestic manufacture, at which prizes are awarded for the best specimens produced.

The Minister, with the approval of the Governor in Council, may make regulations prescribing the form and content of applications for grants in aid of an exhibition; prescribing the conditions for the payment of grants or of any specific grant; respecting the qualification of judges and other related matters.

### **E. Agricultural Education**

Part XVI, concerning agricultural education, provides for the continuation of the Nova Scotia Agricultural College and Experimental Farm at Truro, and provides for its equipment, machinery and maintenance, and staff.

#### **AGROLOGISTS ACT, S.N.S. 1972, c. 4.**

Creates an Institute of Agrology with powers to limit membership by professional examination.

The Nova Scotia Institute of Agrologists is incorporated. The Institute is to consist of the persons who are or become members in accordance with the provisions of this Act.

The objects of the Institute are to: promote and increase the knowledge, skill and proficiency of its members in the practice of agrology; do all things that contribute to the usefulness of agrologists to the public; and to insure for the benefit of the public the proficiency and competency of agrologists.

A person is eligible for full membership or for membership as an agrologist-in-training in the Institute if he satisfies the Council that he (a) has obtained a degree in agriculture from a university or college recognized by the Council, or (b) has obtained a degree other than in agriculture and has passed such examinations as the Council considers necessary to establish that his qualifications are equivalent to those persons holding a degree in agriculture; and (c) has been engaged in agrology for three years since his degree, and that the major part of that time occurred within the last three years.

## (Societies, Professional Associations and Education)

No partnership, company, corporation or association of persons shall, as such, be registered as a member of the Institute. The term of training for an agrologist in training shall be three years.

Application for admission to examination for membership of the Institute must be on the form supplied and be filed with the Registrar of the Institute at least four weeks prior to the examination. The Council must keep a record, to be known as the Register of Agrologists, of those persons admitted to the Institute.

Other provisions of the Act cover fees, discipline, the Council and its powers and duties, offences, and people to whom the Act does not apply.

### VETERINARY MEDICAL ACT, R.S.N.S. 1967, c. 327.

The Nova Scotia Veterinary Association, a body corporate, is continued as such under the name of Nova Scotia Veterinary Medical Association.

The objects of the Association are: (a) to encourage, promote and safeguard the health of livestock generally; (b) to promote, encourage and develop veterinary science in the province and, in accordance with the provisions of this Act, to regulate ethical practice; (c) to arrange for and conduct courses of instruction, studies and lectures; and (d) to co-operate with the boards of health for the purpose of securing conformity with rule and regulations for the protection of the public against infectious and contagious disease communicable from animal to man.

Any person is entitled to become a member of the Association if he is over 20 years of age; is a qualified veterinarian; has not been found guilty of unethical conduct in a professional respect; solemnly declares his willingness to uphold the honor and dignity of the profession; undertakes to practise in a professional and becoming manner and in accordance with the provisions of this Act and the by-laws of the Association; and pays the fees prescribed by the by-laws.

The composition of the Council of the Association is prescribed. Restrictions on the use of certain titles are set out.

## VII. CO-OPERATIVE AND CREDIT UNIONS

### CO-OPERATIVE ASSOCIATIONS ACT, R.S.N.S. 1967, c. 57.

Seis forth the method of incorporating co-operative associations, the powers and capacity of associations, their membership and share capital, disposition of profits, auditor's reports and similar matters.

The Minister may appoint an auditor to audit the financial affairs of any association, and to report to him. Provision is made for the appointment of a provincial inspector of co-operative associations and his powers are prescribed.

The amalgamation of two or more associations is permitted. The Act outlines the content of agreements, approval of agreement procedures, the application of the Company's Act, the status of the amalgamated association and related matters.

## (Co-operative and Credit Unions)

### CREDIT UNION ACT, R.S.N.S. 1967, c. 69.

Any fifteen or more persons who are residents of the province and who have a common bond of occupation or association or who reside in the same neighborhood, community, district or village, may form a credit union by subscribing their names to a memorandum of association and complying with the requirement of this Act respecting registration and the payment of fees.

### FARMERS' FRUIT, PRODUCE AND WAREHOUSE ASSOCIATIONS ACT, R.S.N.S. 1967, c. 99.

Enables the incorporation of co-operative associations to pack and market fruit and other farm produce.

Any number of persons not less than five, may form themselves into a company for the purpose of (a) engaging in the business of packing fruit, fodder and other farm produce including the purchase and sale of farm supplies, equipment and other merchandise; (b) obtaining buildings, managing and operating stores, warehouses and other buildings which may be conducive to the purposes of the company; and (c) investing or taking stock in any company or business considered to be for the benefit of the company by subscribing their names and addresses to a memorandum of association as provided under this Act. Each shareholder has one vote irrespective of the number of shares owned or held.

Included in the Act are a number of forms. E.g.: Form C is a copy of a contract with a subsidiary company in which the grower transfers and agrees to deliver his entire crop of apples and also his entire crop of potatoes and the company agrees to handle and market his crops with due diligence.

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# NEW BRUNSWICK

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## NEW BRUNSWICK

### I. ADMINISTRATION

#### EXECUTIVE COUNCIL ACT, R.S.N.B. 1952, c. 175.

Provides for the appointment of a Minister of Agriculture and Rural Development and empowers the Lieutenant Governor in Council to prescribe the duties of this and other ministers and of the departments over which they preside.

The 1972 Amendment enables the Lieutenant Governor in Council to transfer to or vest in any member of the Executive Council any right, power, duty, function, responsibility or authority vested in or imposed on the Minister by or under any Act of the Legislature or of the Parliament of Canada.

### II. LAND POLICY

#### 1. Development, Conservation, Drainage and Irrigation

##### AGRICULTURAL REHABILITATION AND DEVELOPMENT ACT, S.N.B. 1961-62, c. 38.

Provides legislative authority for the joint undertaking of projects with the Government of Canada for the development of certain agricultural land and water supplies for agricultural purposes.

The Minister of Agriculture and Rural Development, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the Government of Canada for the joint undertaking of projects for the more efficient use and economic development of marginal and submarginal agricultural lands; for the development of income and employment opportunities; and for the improvement of living standards in rural agricultural areas. This may include provision for payment to the province of contributions in respect of the cost of projects undertaken.

To these ends, the Minister may set up programs of research and development, and the co-ordination of such programs, making the best use of the services and facilities of departments or agencies of the provincial government.

The Minister may also enter into an agreement with the Government of Canada for the joint undertaking of projects for the development and conservation of water supplies for agricultural purposes, and for soil improvement and conservation that will increase agricultural efficiency. Provision may be made for payment to the province of contributions in respect of the cost of such projects. Programs of research and investigation may be initiated by the Minister in these fields.

The Lieutenant Governor in Council may create a body corporate and politic, with appropriate powers, as an agency of the government of the province to carry out the terms of any agreement made under this Act.

## (Land Policy)

### CROWN LANDS ACT, R.S.N.B. 1952, c. 53.

Sections 52 to 61 of this Act provide for the granting of Crown Lands for Settlement.

The Minister of Natural Resources may, upon the order of the Lieutenant Governor in Council, grant to the Farm Adjustment Board such portions of the Crown Lands of the province suitable for agricultural development as may be deemed desirable in the public interest, upon payment by the Board of the true value of such lands. The Board may then deal with such lands as authorized by the Farm Adjustment Act.

The Minister may also ratify a transfer or alienation to an applicant of rights in improvements from a settler unable to carry out the settlement requirements; but the period of residence of a settler upon his settlement lot is not transferable. The Lieutenant Governor in Council may make regulations for determining the terms and conditions upon which settlement lots are to be granted. Some of the conditions for the issuing of grants may be waived for war veterans.

Sections 65 and 66 provide for the leasing of Crown Lands, other than for the cutting of trees.

### DRAINAGE OF FARM LANDS ACT, R.S.N.B. 1952, c. 65.

Designed to fix responsibility for drainage and to provide the means for resolving disputes.

Where a ditch or drain has been constructed to serve the property of two or more adjacent owners and was jointly paid for by these owners, either under the terms of this Act or by mutual consent, the owners are jointly responsible for the maintenance and repair of such a ditch or drain. If at any time it appears to one or more owners of land that the repair of the drain is needed and this cannot be carried out and financed by mutual consent, application may be made to the Minister of Agriculture and Rural Development for permission to carry out such repair work. The Minister or his designate may investigate the need for the repair applied for; estimate the costs and damage; attempt to seek an agreement among the interested parties to effect the repair of the ditch or drain; carry out the repair whether or not he obtains such a payment; and assess each owner of the benefited land for the cost.

When a farm drainage ditch must run through the property of an adjacent owner, application may be made to the Minister of Agriculture and Rural Development to construct such ditch or drain. The Minister or his designate may investigate the need for the drainage, the damage that will be done to any property, the estimated cost, the value of the drainage to the land served by the ditch, and the amount that should be assessed upon each property that will benefit. If a person is not satisfied with the amount for damage, he may refer the matter to the Land Compensation Board.

### MARSHLAND RECLAMATION ACT, R.S.N.B. 1952, c. 141.

Provides the authority for a Marshland Reclamation Commission and Marshland Bodies.

The Minister may construct, reconstruct, recondition, repair, maintain, conduct or operate works that are recommended by the Commission. He may also enter into agreements with Canada, a body or a person for performance of this work at the joint expense of the parties to the agreement.

## (Land Policy)

A Marsh Body is empowered to acquire, hold, sell and lease real and personal property; construct, reconstruct, repair, maintain and operate works; enter into agreements with the Province or any person for construction, reconditioning, repair, maintenance and operation of the works, and raise money by borrowing.

Upon presentation of a petition to the Executive Committee signed by at least two-thirds of the number of the owners in the Body who will be affected by the work, the Executive Committee may take all necessary steps to perform such work. The Executive Committee may order the costs of the work performed to be recovered from the owners of the lands affected by the work. An order must apportion the cost of the work among the owners of the land affected, on the basis of the acreage owned in proportion to the total acreage of all the affected lands. The Executive Committee does not have the power of expropriation. Its powers of expropriation were repealed in 1973.

### WATER ACT, S.N.B. 1960-61, c. 19.

By this Act a Water Authority and an Advisory Board are created to control the use of certain waters.

The Water Authority, responsible to the Minister of Natural Resources, may be appointed by the Lieutenant Governor in Council. An Advisory Board to the Authority may also be appointed, consisting of not less than 10 or more than 15 members, one of these persons being a representative of the Department of Agriculture and Rural Development.

The Authority has control of the use of all surface, ground and shore waters; pollution originating within the jurisdiction of the province; and alteration of the natural feature of any water course or lake and the natural movement of water therein. The Minister, with the approval of the Lieutenant Governor in Council, may assist a municipality with any plan, work or undertaking for controlling or preventing pollution. Penalties are provided for contravention or non-compliance with any provision of the Act, or its regulations, by any person or municipality.

## 2. Settlement

### FARM ADJUSTMENT ACT, S.N.B. 1966, c. 9.

Provides the legislative authority for loans, grants and land purchases to effect certain land use and farm adjustment policies.

A body corporate called the "Farm Adjustment Board" is constituted under this Act, and made responsible to the Minister of Agriculture and Rural Development. The Board may make loans and grants for the conversion of ineffectively used land to a more effective use and for the purpose of establishing and improving wood lots. It may make loans and grants to persons affected by projects of land use and farm adjustment; it may undertake or assist in any projects involving land use or land management and aimed at increasing income and employment opportunities in rural areas.

The Board may make loans to farmers for the purchase of farms, for the purchase of land to be added to existing farms, for the erection of farm buildings and facilities, for the purchase of essential farming equipment and livestock, and for the conversion of short-term liabilities to medium or longer-term obligations as warranted by income probabilities, unless security can be taken. Property acquired for the purpose of this Act is vested in the Board and may be dealt with, leased, sold or otherwise disposed of by the Board.

## (Land Policy)

The Lieutenant Governor in Council may make regulations prescribing the terms and conditions under which land is to be acquired, dealt with, leased, sold and otherwise disposed of; prescribing the qualifications of applicants for loans, grants, leases and agreements of sale; prescribing the terms and conditions on which loans and grants are to be made; prescribing the terms and conditions on which financial assistance is to be given to persons affected by land use and farm adjustment projects; and generally for the better administration of this Act.

All Farm Settlement Board property obligations, etc., are vested in the Farm Adjustment Board under the 1967 Amendment.

### **SOLDIER SETTLEMENT ACT, R.S.N.B. 1952, c. 215.**

Describes how Crown Lands and privately-owned lands may be granted to the Soldier Settlement Board of Canada for conveyance to World War I veterans.

There is a limit of purchase of 200 acres or less and the cost of the land may not exceed \$25 per acre.

### **3. Tenure and Assessment**

#### **ABANDONED LANDS ACT, R.S.N.B. 1952, c. 1.**

By this Act abandoned lands can be revested in the Crown.

Whenever it appears to the Minister of Natural Resources that land in the province has been abandoned and the whereabouts of the registered owner or his heirs or next-of-kin are unknown, the Minister may take proceedings to revest the land in the Crown. The Act prescribes the notice that must be published, how claims to the land are to be filed, and what the Order in Council re vesting the land must contain.

#### **ASSESSMENT ACT, S.N.B. 1956-66, c. 110.**

Real property owned and occupied by Agricultural Societies, Agricultural Associations, or Women's Institutes not organized or operated for commercial purposes, is exempt from property taxes.

For farmland, the assessment must be the amount which the farmland might reasonably be expected to realize if it were sold during assessment period free of mortgages, liens and agreements for sale by a willing seller to a willing buyer after adequate exposure to the market, having regard to the assessment of other properties in the region so as to insure that taxation will fall in a uniform manner upon all real property within the region, and assuming that the property could never be used for any purposes other than as farmland.

The Act also outlines the appeal procedures. The Minister must conduct a general reassessment at least once every five years for the purpose of making uniform all assessments in the province.

## (Land Policy)

### EXPROPRIATION ACT, S.N.B. 1973, c. 6.

Part I deals with expropriation procedure and Part II with compensation. Where no agreement as to compensation has been made with the owner, the expropriating authority must within 90 days after the registration of the notice of expropriation:

- (a) serve upon each known owner of land an offer of an amount in full compensation for his interest, excepting compensation for business loss for which the determination is postponed;
- (b) tender to each known owner the immediate payment of 100 percent of the amount of the market value of his interest as estimated by the expropriating authority. The payment and receipt of that sum is without prejudice to rights conferred by this Act in respect of the determination of compensation and is subject to adjustment in accordance with any compensation that may subsequently be determined in accordance with this Act or agreed upon; and
- (c) serve upon each known owner a copy of any appraisal report upon which the offer of compensation is based; and except as otherwise provided, the expropriating authority must not take possession of land occupied by an owner who has not been made an offer and tender, as required.

Where the land of an owner is expropriated, the compensation to the owner must be based upon

- (a) market value of the land,
- (b) damages attributable to disturbance,
- (c) damages for injurious affection,
- (d) any special economic damage arising out of his occupation of the land which is not reflected in the market value of the land, but where the market value is based upon a use of the land other than the existing use, compensation under Clauses (a) and (b) shall not exceed the greater of
- (e) the amount based upon the existing use to which the land is being put and disturbance damages, or
- (f) the amount based upon the highest and best use to which land may be put, and no compensation shall be awarded under Clause (d).

Where a business is located on the land expropriated, the disturbance damages include damages

- (a) for business loss resulting from the relocation of the business made necessary by the expropriation, and unless the owner and the expropriating authority otherwise agree, the business loss shall not be determined until the business is relocated and has been in operation for 9 months or until a two-year period has elapsed, whichever occurs first; or
- (b) where the Board is of the opinion that it is not feasible for the owner to relocate his business or a part thereof, for business loss resulting from the cessation of the whole or part of the business made necessary by the expropriation; but compensation shall not be awarded under this clause where the owner of the business is awarded compensation for the land upon which the business was located on the basis of a use other than the existing use to which the land was being put.

## (Land Policy)

### FENCES ACT, R.S.N.B. 1952, c. 84.

Defines lawful fences, fixes owner liability, and provides for the making of regulations and enforcement.

The Lieutenant Governor in Council may make regulations respecting the designation of roads and other boundaries as lawful fences; the running at large of cattle; and the setting aside of areas as grazing areas.

This Act also deals with the liability of owners of adjoining lands concerning line fences, the method of settling line fence disputes, and the rights and duties of fence viewers. The Minister of Agriculture and Rural Development may appoint one or more fence viewers.

Under the 1972 Amendment, any line fence bordering wholly enclosed lands or lands used as pasture must be properly erected and kept up at the joint expense of the owners or occupiers of the adjacent lands; but no owner or occupier of any land not wholly enclosed or used as pasture, although adjacent to the pasture land of another, is obliged to erect or repair or contribute to the expense of erecting or repairing any such line fence if no crops are grown within six feet of the line fence.

### LAND COMPENSATION BOARD ACT, S.N.B. 1964, c. 6.

Establishes the Land Compensation Board, sets out its powers, and outlines procedures for hearing appeals where land has been expropriated. The Chairman and members are appointed by the Lieutenant Governor in Council.

The Board has the jurisdiction and power to hear and determine all applications, proceedings, and matters referred to it, and for such purposes may make orders, rules and regulations, give directions, issue certificates and perform other related matters.

Where land or other property has been expropriated, the amount of compensation or damages payable shall, unless agreed upon by the parties, be referred to the Board, as also shall the amount of any monetary claim to be determined by arbitration. Any arbitration in which the amount involved exceeds \$2,000 may, with the consent of the parties, be referred to the Board. Except with the consent of the parties, the Board does not have jurisdiction in any arbitration under the City of St. John Urban Renewal Expropriation Act, or where arbitrators have already been appointed to determine a dispute and the hearing has not been completed.

### LANDLORD AND TENANT ACT, R.S.N.B. 1952, c. 126.

In addition to providing a means of recovering rents owed, the Act governs landlord-tenant relations.

Section 26 of this Act provides that a landlord may take under a distress for rent any horses, cattle, sheep, swine, poultry, fowl, livestock and other domestic animals that are grazing or feeding upon any highway, road allowance or way belonging to the premises for which the rent distrained is payable.

Sections 30 and 31 provide that a landlord may distrain sheaves or cocks of grain and may take growing crops as a distress for rent.

Sections 32 and 33 allow the landlord who takes growing crops as a distress for rent to harvest and sell them or to sell them standing.

## (Land Policy)

The Act covers the relationship between the landlord and tenant and deals with such matters as covenants running with the land and the reversionary estate in the land, waste by tenants, defects in leases, rights of re-entry, licences to tenants, forfeiture of leases, notices to terminate tenancies, impounding distrainable goods taken on execution, renewals of leases, proceedings against overholding tenants and summary proceedings for non-payment of rent.

### MEMORIALS AND EXECUTIONS ACT, R.S.N.B. 1952, c. 143.

The relevant portion of this Act exempts specific items from seizure under a writ of execution.

Section 33 of this Act provides that the following goods are exempt from seizure under execution, in addition to the household furnishings and wearing apparel customarily exempt: all necessary fuel, meat, fish, flour and vegetables actually provided for family use and required for ordinary consumption by the debtor and his family for three months and not exceeding \$100 in value; 2 horses and sets of harness, 2 cows, 10 sheep, 2 hogs and 20 fowl and food therefor for 6 months; tools, agricultural implements or chattels ordinarily used in the debtor's occupation to the value of \$200; and seed grain and potatoes for seeding and planting purposes to the following quantities: 40 bushels of oats, 10 bushels of barley, 10 bushels of buckwheat, 10 bushels of wheat and 35 barrels of potatoes.

### QUIETING OF TITLES ACT, R.S.N.B. 1952, c. 190.

Sets up procedures for validating land titles and securing a certificate.

Any person claiming to be the owner of any land is entitled to have his title thereto judicially investigated and its validity ascertained, whether or not he has the legal estate and whether or not his title is subject to a charge or encumbrance. The Act also prescribes the method of application to the Supreme Court; the manner of proof; the awarding of certificates of title; the effect of fraud in obtaining a certificate, and the procedure for re-investigations and appeals.

### REGISTRY ACT, R.S.N.B. 1952, c. 195.

Establishes a registry office in each county, prescribes the duties of the registrar and describes how instruments affecting lands are to be registered and the effect of such registration. A schedule of fees is appended to the Act.

Some provisions of importance to agriculture are included under Subsection 3 of Section 27. No lease for a term not exceeding three years need be registered, nor will such lease be void merely by reason of its not being registered; but this subsection does not apply to any lease for a greater term than three years, nor to any lease where the actual possession does not go along with the lease.

### SALES OF LAND PUBLICATION ACT, R.S.N.B. 1952, c. 200.

Sets out the procedures to be followed when making the sale of land under execution by a Sheriff, Supreme Court Order, Probate Court licence or power of sale under a mortgage.

## **(Land Policy)**

The legislation describes and illustrates required contents of any advertisement or notification of land sale in the Royal Gazette and in other papers. Unless notice of the advertisement of the land sale is placed in The Royal Gazette, the sale is not valid.

### **TRESPASSES TO LAND AND LUMBER ACT, R.S.N.B. 1952, c. 236.**

Fixes legal responsibility on the licensee of Crown Land for the purposes of an action for damages and compensation.

Where any trees, timber or lumber on lands held under lease or licence from the Crown are cut down, carried away, or otherwise destroyed, the licensee shall be deemed to be the owner of such trees, timber or lumber with all rights incidental thereto, and shall be deemed to be in possession of such lands for the purpose of maintaining an action for damages and compensation.

## **III. FINANCE**

### **1. Credit**

#### **ASSISTANCE TO INDUSTRY ACT, S.N.B. 1960-61, c. 3.**

Establishes an Industrial Development Board for the Province.

Agriculture is included in the definition of "industry" in Section 1 of the Act. The Board has the power and authority to make loans and advances to, and to guarantee the repayment of loans by, persons, associations or corporations engaged in industry directly or indirectly, a municipality of the province or a corporation sponsored by such a municipality, for the purpose of industrial development or expansion.

#### **FARM CREDIT CORPORATION ASSISTANCE ACT, S.N.B. 1965-66 (Second Session), c. 112.**

Subject to regulations by the Lieutenant Governor in Council respecting the conditions under which payments may be made, the Minister of Finance and Industry shall, if the Minister of Agriculture and Rural Development orders, pay the difference, not exceeding three percent, between an annual interest rate of 2.5 percent and that charged by the Farm Credit Corporation on the capital of loans made to farmers of the province.

#### **FARM IMPROVEMENT ASSISTANCE LOANS ACT, 1969, c. 5.**

Affects the interest rate on loans to the farmers of New Brunswick advanced to them under Section 64 of the Veteran's Land Act (Canada).

## (Finance)

The Lieutenant Governor in Council may make regulations respecting the conditions under which the Minister of Agriculture and Rural Development may order payments by the Minister of Finance. If the Minister of Agriculture and Rural Development so orders, the Minister of Finance must pay the difference, not exceeding three percent, between the annual interest of two and one half percent and that charged by the Director of the Veteran's Land Act (Canada).

### FARM LOANS ACT, S.N.B. 1963 (Second Session), c. 4.

If a bank or credit union which makes a loan to a farmer for the purchase of cattle, sheep or swine, sustains a resulting loss within five years after making the loan or such further time as the Act may prescribe, and if the making of the loan has been reported within the required time to the Minister of Agriculture and Rural Development, and if a claim for loss has been lodged in accordance with the prescribed procedure and time, the Minister of Finance and Industry, on the order of the Minister of Agriculture and Rural Development, shall pay the lender 50 percent of the loss sustained, or \$2,500, whichever is the lesser.

### FARM MACHINERY LOANS ACT, S.N.B. 1973, c. 7.

Empowers the Minister to pay to a lender (bank or credit union) the amount of loss sustained by it as a result of a Farm Machinery Loan if certain conditions are met.

The lower limit to which this Act applies is \$1500 and the upper limit is \$30,000. The loan is repayable in full in not more than eight years and the borrower is required to make a down payment of an amount of not less than 25 percent of the purchase price of the farm machinery.

Subject to the approval of the Lieutenant Governor in Council, the Minister may advise a lender that this Act shall cease to operate in respect of any Farm Machinery Loans made by the lender after a certain date. The Minister is not liable to a lender for an amount in excess of 25 percent of the aggregate principle amount of farm machinery loans. Where the Minister makes a payment under this Act to a lender, the liability and security given to the borrower continues in effect and may be enforced by the Minister against the borrower.

The Lieutenant Governor in Council may make regulations concerning amounts of losses; procedures in making claims for losses; legal or other measures to be taken and the procedure to be followed for the collection of the loan; the kind of security to be taken by the lenders for the repayment of farm machinery loans; generally for the better administration of this Act.

### INDUSTRIAL DEVELOPMENT AND EXPANSION ACT, S.N.B. 1956, c. 10.

Establishes the New Brunswick Industrial Finance Board and gives it the power and authority to make and to guarantee loans for the purposes of industrial development.

The Minister of Economic Growth is charged with the administration of this Act. The Minister, with the approval of the Lieutenant Governor in Council, may provide financial assistance in such form and on such terms and conditions as he deems necessary to aid the establishment or expansion of industry in the Province.

## (Finance)

### LIVESTOCK INCENTIVES ACT, S.N.B. 1971, c. 12

Enables the Minister to pay certain lenders a fixed proportion of their losses on livestock loans and to pay grants to farmers who follow an approved farm plan.

Subject to this Act, the Minister may pay to a lender (bank or credit union or caisse populaire) the amount of loss sustained as a result of a livestock loan.

The criteria are enumerated. The Minister is not liable for losses in excess of 25 percent of the aggregate principal amount of livestock loans made by the lender pursuant to this Act.

Subject to the approval of the Lieutenant Governor in Council, the Minister may advise the lender that this Act will not operate in respect of any livestock loans made by the lender after such date of advice.

Where the Minister makes a payment under this Act to a lender, the payment does not affect any liability of the borrower or release any securities given by the borrower in respect of the loan; the liability and security remain and continue in full force and effect and may be enforced by the Minister against the borrower.

Subject to the regulations, the Minister may, after the expiration of three years from the date of the livestock loan made to a farmer, pay to or on behalf of a farmer a grant as determined by regulation, provided that the farmer has conducted his operation substantially in accordance with a farm plan approved by an official designated by the Minister.

The Act details the types of regulations that the Lieutenant Governor in Council may make.

### TILE DRAINAGE LOANS ACT, R.S.N.B. 1952, c. 229.

Designed to provide loans for tile drainages and establishes the Tile Drainage Board to implement the policy.

The Tile Drainage Board is established as a body corporate and politic for the purpose of making loans to farmers to enable them to construct tile, stone or timber underdrains.

All loans are to be made on the security of mortgages of the farmlands on which the drains are constructed. The amount loaned to any one farmer or in respect of any one farm shall not exceed \$1,000 or 75 percent of the cost of the drainage works for which the loan is made. A loan shall be repayable in equal annual instalments over a period of not more than 10 years. The rate of interest is to be determined by the Lieutenant Governor in Council.

## 2. Income Assistance

### CROP INSURANCE ACT, S.N.B. 1966, c. 9.

Provides legislative authority to enter into an agreement with the Government of Canada in respect of crop insurance, to establish a Crop Insurance Fund and make regulations for administration.

## (Finance)

The Minister of Agriculture and Rural Development may enter into and carry out their agreement respecting crop insurance with the Minister of Agriculture for Canada.

The Lieutenant Governor in Council may make regulations with respect to the establishment, setting-up and administration of a scheme of crop insurance; establishing and providing the organization of a corporate body; prescribing powers and duties of that corporate body with respect to its management and administration; providing for the establishment and use of a Crop Insurance Fund; prescribing measures for the recovery of unpaid premiums; prescribing penalties for contravention of the regulations; and making due provision for any other matter necessary to the administration or management of a crop insurance scheme.

### 3. Taxation

#### GIFT ACT, S.N.B. 1972, c. 9.

Every donor who makes gifts in any year with an aggregate value exceeding five thousand dollars (\$5,000) in the case of gifts to a spouse, and two thousand (\$2,000) in the case of gifts to any other individual, must file a return in prescribed form with the Minister of Finance on or before the thirtieth of April in the next year.

Certain gifts are exempt from tax under this Act. For instance, gifts made to a person by a donor in any year, where the aggregate value of those gifts does not exceed \$200, are exempt.

The Act deals with evaluation of gifts, the penalty for failure to file a return, the calculation of the tax payable, the transfers of powers and duties to the Government of Canada, offenses and penalties, and related matters.

#### INCOME TAX ACT, S.N.B. 1961, c. 2.

Every individual whose chief source of income is farming is required to pay to the Provincial Secretary-Treasurer on or before December 31 in each taxation year, two-thirds of the tax as estimated by him at the rate on his estimated tax payable under the Federal Act for the year, or on his tax payable under the Federal Act for the immediately preceding year; and the remainder of the tax on or before April the thirtieth in the next year.

Every person paying salary or wages or other remuneration to an employee is required to deduct or withhold such amount as may be prescribed from time to time and remit this amount to the Provincial Treasurer on account of the payee's tax for the year under this Act.

Part III is concerned with the collection of tax by way of collection agreements with the Government of Canada and with other provinces.

## IV. PRODUCTION

### 1. General

#### MOTOR VEHICLE ACT, S.N.B. 1955, c. 13.

The relevant provisions for agriculture create certain exemptions and provide specific constraints on the use of farm machinery on the highway.

Section 12 of this Act provides that an implement of husbandry that is only incidentally operated or moved upon a highway does not need to be registered. This includes a farm tractor designed for agricultural purposes and exclusively used by the owner in the conduct of his agricultural operations.

No person shall knowingly permit his farm tractor to be driven by any person (including the owner's child or ward) when such person is not authorized under the Act.

Where a person is in possession of a farm tractor under a contract by which he may become the owner, the person in possession shall be deemed the owner.

Farm machinery with tires having protuberances beyond the tread of the traction surface of the tire is permitted to travel on a highway, provided such protuberances will not injure the highway.

The Act further states that no person shall operate a motor vehicle on a highway while allowing any person to be towed or attached in any manner, if the other person is riding upon any kind of device not capable of being registered under the Act.

#### SEASONAL EMPLOYMENT ACT, S.N.B. 1959, c. 12.

This Act is the authority for making agreements in respect of labor projects with the Government of Canada and the Municipalities and for the appointment of an Advisory Committee on Seasonal Employment to the Minister of Labor.

Provision is made for the appointment of a committee to be known as the Advisory Committee on Seasonal Employment and composed of not less than three nor more than eight persons representative of labor, management and government, to act in an advisory capacity to the Minister of Labour.

The Committee is required to keep the employment situation in the province under careful scrutiny and study at all times; to co-ordinate seasonal employment programs carried on by public authorities and private enterprises; to initiate and arrange studies of seasonal employment trends; and to perform such other functions as may be prescribed.

The province may also enter into and amend agreements with the Government of Canada, any municipality, or jointly with such authorities, to undertake and carry out projects that will provide the maximum utilization of the labor force.

## 2. Crops

### ENCOURAGEMENT OF SEED GROWING ACT, R.S.N.B. 1952, c. 72.

Upon recommendation of the Minister of Agriculture and Rural Development, the Lieutenant Governor in Council may establish special areas to encourage the growing of pure seed of any open-pollinated farm or garden crop and to prevent the cross-pollination of such seed. No person may grow in any such area any variety or strain of seed crop other than the variety or strain permitted by the regulations made under this Act.

Regulations may be made approving a variety or varieties of seed; appointing inspectors to test and approve seed; and prohibiting the growing in an area of any variety or strain of seed other than the one for which the area is established.

### INJURIOUS INSECT AND PEST ACT, R.S.N.B. 1952, c. 110.

Provides for the making of regulations to prevent the introduction and spread of injurious insects, pests and plant diseases.

The Lieutenant Governor in Council may make regulations to prevent the introduction into the province or the dissemination therein of any insect, pest or plant disease seriously injurious to vegetation, and may designate the insect, pest and plant diseases to which this act applies.

Such regulations may provide for the prohibition of admission into the province of vegetable or other matter likely to introduce any insect, pest or plant disease; the method of treatment to eradicate or control a disease or pest; the collection from owners of the cost of treatment (including eradication); the prohibition of the sale of diseased or infected vegetation; the confiscation of infected vegetable matter and the containers thereof, and the quarantining of areas where an insect or plant disease becomes a menace to crops.

Inspectors may be appointed, and their rights and duties are prescribed.

### PESTICIDES CONTROL ACT, S.N.B. 1973, c. 15.

Provides the mechanisms to control pesticides and to safeguard health. Establishes the Pesticides Advisory Board with a Director of Pesticides Control.

The Minister, on the advice of the Board, may restrict or prohibit the sale, supplying or use of any pesticide and may impose conditions with respect to the sale, supplying or use of the pesticide. The Board may issue vendor's licences, and pesticide-applier's licences. Conditions under which the Board may revoke a licence or permit are specified.

The Act also contains provisions regarding the discharge into a body of water of any substance used in mixing or applying a pesticide, or washing a pesticide container. Where any substance is shown upon inspection and analysis to be contaminated by a pesticide, the Minister may by order restrict or prohibit the sale, handling, use or distribution of the crop, food, seed, animal, plant, water product or other matter permanently or for such length of time as he considers necessary; or may order the substance to be destroyed or rendered harmless. No person is entitled to compensation from the Crown for anything done in accordance with such an order.

## (Production)

The Minister may appoint qualified persons as analysts and inspectors for purposes of this Act and the regulations. The power and responsibilities of inspectors are outlined, along with the appeal procedures. The types of regulations that the Lieutenant Governor in Council may make are also described.

### PLANT DISEASE ACT, S.N.B. 1969, c. 15.

Designed to control nursery stock plant diseases and provides for licensing, inspecting, and the destroying of infected plants.

No one can knowingly transport or ship from a nursery or premises of a dealer in nursery stock, sell, offer for sale, or have in his possession for sale at a nursery or at premises of a dealer in nursery stock, any plant having a plant disease. No person may operate a nursery without a licence from the Minister. No unlicensed person can be a dealer in nursery stock.

An inspector may enter any premises in which plants are processed and any premises used in connection therewith where he has reason to believe there are plants having a plant disease or a container infected with the causal organism of any plant disease.

Where the Director or an inspector finds a plant disease or any causal organisms of plant disease, he may order the disinfecting of any plant, land, building, vehicle or container, or the treating or destruction of any plant in such manner and within such period of time as the order requires.

No one may sell, offer for sale or have in his possession for sale as seed potatoes any potatoes except Certified, Foundation, Elite II or Elite III seed stock potatoes.

The Director or inspector has powers of entry and quarantine under the Act. Procedure for appeals against the order by the Director or inspector are prescribed.

The Lieutenant Governor in Council may make regulations designating plant disease; prescribing the duties of the Director and inspectors; providing for the issue of licences; providing for the control or eradication of any plant disease in the province; and for the better administration of this Act.

### POTATO INDUSTRY ACT, S.N.B. 1969, c. 16.

Provides for the establishment of a Potato Industry Fund plus associations for potato producers, shippers and processors, and a Potato Joint Council; and permits the levying of fees and the making of regulations for the purpose of promoting and developing the potato industry.

The province is divided into two specified regions, and the Lieutenant Governor in Council may delete from either region any county or part of a county, and may add that land to the other region.

On the application of not less than twenty-five producers in Region 1 who represent not less than two-thirds of the total acreage of potatoes grown in Region 1, the Minister may establish a New Brunswick Potato Producers Association.

On the application of not less than ten shippers in Region 1, the Minister may establish a New Brunswick Shippers Association.

## (Production)

On the application of not less than three processors, the Minister may establish a New Brunswick Producers Association. When an Association has been established, any producer, shipper or processor in either region may become a member of only one association, i.e. either the Producers Association, Shippers Association or Processors Association.

The Minister may establish a New Brunswick Potato Joint Council which will consist of representatives from the three Associations as prescribed in the Act.

The Council may collect fees of up to one cent per hundredweight on all sales of potatoes by producers in Region 1, or by producers who are members of the Producers Association; require a producer in Region 1, or a producer who is a member of the Producers Association, to be registered by the Council and to pay a registration fee of one dollar; require a shipper in Region 1, or a shipper who is a member of the Shippers Association, to be licensed by the Council and to pay a shipper's license fee of \$500 if he ships less than 100 cars, and an additional fee of \$5.00 for each car shipped over 100 cars.

The Council may also require a processor in Region 1, or a processor who is a member of the Processors Association, to be registered by the Council and to pay a registration fee of \$500; require a shipper to be bonded for protection against losses to producers and fix the amount of such bond; and with the approval of the Minister, may appoint inspectors.

The fees must be placed in a special fund to be known as the Potato Industry Fund and used for the purposes set forth in the Act.

No person in Region 1, other than the operator of a retail store in this Region, may acquire for resale, sell, consign or transfer potatoes unless he is a licensed shipper. The Council has the power to refuse to issue or renew any licence or registration, and may suspend or revoke any such licence or registration for failure to observe, perform or carry out any provisions of this Act or the regulations, or any rule or regulation of the Council.

An inspector, appointed by the Council, has access to all places where potatoes and potato products are stored, handled or graded.

The Minister may authorize inspectors appointed under the Natural Products Grades Act to assist in the administration and enforcement of this Act and the regulations.

The Lieutenant Governor in Council may make regulations prescribing the terms and conditions under which fees are to be levied; prescribing the conditions and procedures for registering producers, shippers and processors; and generally for the better administration of the Act. Penalties are prescribed for those who violate the provisions of this Act.

## WEED CONTROL ACT, S.N.B. 1969, c. 21.

**Provides for the destruction of noxious weeds to prevent them from spreading.**

Every owner or occupier of land must destroy all noxious weeds as often as is necessary to prevent the ripening of their seeds. Where the land abuts a river, stream, lake or other body of water, the owner or occupier must destroy all noxious weeds that are growing between the limit of his land and the low-water mark of the body of water unless this land is owned by a public utility or the Crown, in which case the public utility or the Crown is responsible for control of noxious weeds.

## (Production)

The Act outlines the duties of inspectors in finding and destroying noxious weeds. A written order requiring the owner to destroy such weeds is prescribed, as are procedures for appeal against the order.

Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant must dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading.

The Lieutenant Governor in Council may make regulations to carry out effectively the intent and purpose of this Act.

### 3. Livestock and Bees

#### APIARY INSPECTION ACT, R.S.N.B. 1952, c. 7.

Designed to control foul brood and other diseases in bees and provides for quarantine and inspection. Also provides safeguards for bees.

All bees imported into the Province and all bees amongst which a contagious or infectious disease exists, must be kept in quarantine on the premises of the owner. The owner must, within three days after receiving the bees, or at the outbreak of the disease, notify the Provincial Apiarist. It is unlawful to allow the removal from the premises of any such bees, or of any used apiary appliances or apparatus, until a certificate has been granted by the Provincial Apiarist that these are free of disease. A beekeeper or other person who is aware of the existence of foul brood, or other infectious or contagious disease, either in his own apiary or elsewhere, must immediately notify the Provincial Apiarist of the existence of such disease.

Provision is made for the appointment of inspectors to inspect apiaries annually; instruct the beekeepers in the action to be taken where disease is discovered; or to transfer bees to movable farm hives; and perform other similar duties. The special provisions which apply to persons engaged in the rearing of queen bees are detailed in this Act. The spraying of trees in full bloom with mixtures containing substances injurious to bees is prohibited.

#### ARTIFICIAL INSEMINATION ACT, R.S.N.B. 1952, c. 11.

Provision is made for the appointment of an Artificial Insemination Advisory Board to advise the Minister of Agriculture and Rural Development.

The Lieutenant Governor in Council may make regulations prescribing the powers and duties of the Board; providing for the licensing of artificial insemination associations and technicians; prescribing requirements and minimum standards for associations, and the qualification of technicians; and providing for the keeping of records and the making of returns.

## (Production)

### **BANG'S DISEASE CONTROL ACT, S.N.B. 1956, c. 8.**

**Sets up vaccination and quarantine procedures against Bang's Disease.**

The Lieutenant Governor in Council may designate the whole or any portion of the province as an area for the eradication of Bang's Disease pursuant to the Animal Contagious Diseases Act (Canada) and regulations thereunder.

The Minister of Agriculture and Rural Development may appoint inspectors for the purposes of the provincial Act or designate inspectors or officers of the Health of Animals Division of the Canada Department of Agriculture as inspectors under this Act. Provision is made for the inspection of animals, their vaccinations and quarantines, and the disinfection of premises where suspect conditions exist. The duties of owners and inspectors in a control area are specified.

### **BOVINE TUBERCULOSIS ACT, R.S.N.B. 1952, c. 21.**

Prohibits the sale of cattle known to be affected with tuberculosis and makes it unlawful to destroy the mark which an inspector, appointed under this Act, may place upon cattle that have been inspected and found to be affected with tuberculosis.

### **BRANDING ACT, R.S.N.B. 1952, c. 23.**

**Provides for the allocation of brands to specific owners to identify livestock.**

The Act prescribes the method of applying for brands and deals with the allotting of brands and their cancellation. The Act includes a table of fees and provides penalties for such offences as branding livestock with a brand other than the owner's or defacing a brand.

### **GAME ACT, R.S.N.B. 1952, c. 95.**

**Sections 72 to 75 inclusive of this Act deal with fur farming.**

No person, without the written approval of the Minister of Natural Resources, shall have in his possession or release from captivity in the province any fur-bearing animal. Every fur farmer is required to make an annual report to the Minister concerning the animals in his possession and those sold or purchased during the year. It is forbidden, without the owner's consent, to approach within 25 yards of the outer fence of an enclosure where animals are kept, or to break through the enclosure within which such animals are kept. Any person may kill any dog which is found lurking about an enclosure where fur-bearing animals are kept for breeding purposes, and which is annoying or terrifying the animals.

### **POULTRY HEALTH PROTECTION ACT, R.S.N.B. 1952, c. 173.**

**Provides for regulations of the Governor in Council to regulate and control contagious diseases amongst poultry.**

## (Production)

Under the Act, the Lieutenant Governor in Council may make regulations to provide that no person may possess poultry infected with a contagious disease; to prohibit the admission of infected poultry into the province; to forbid the entry of poultry unless certified free of disease by the Veterinary Director General (Canada); to provide for the segregation and destruction, without compensation to the owner, of infected poultry; and to define contagious diseases.

### POUNDS ACT, S.N.B. 1966, c. 21.

Provides that, when an animal breaks through a lawful fence, or is found at large, any person may file a complaint with the Minister of Agriculture and Rural Development.

A pound keeper may investigate the complaint and, if necessary, take the animal into custody. The pound keeper is required, within three days, to advise the owner of the animal or, if the owner is not known, to advertise, in a newspaper, details of the animal found. If the animal is not claimed within 14 days, the pound keeper may sell the animal at an auction after giving seven day's notice. Out of the proceeds of the sale, the pound keeper must pay all expenses connected with the impounding and sale. Any surplus must be paid to the owner, if it is claimed by him within 14 days of the sale.

If the owner of the animal is known, the pound keeper shall advise the owner, or if not known, he is required to advertise. He is not required to advertise if the owner of the animal is known.

### SHEEP PROTECTION ACT, S.N.B. 1966, c. 25.

(This Act supersedes the Sheep Protection Act, R.S.N.B. 1952.)

Provides for the payment of compensation for sheep killed or injured by a dog and recovery of the same plus expenses from the owner. Also permits the killing of a dog found killing or injuring sheep.

Where a sheep is killed or injured by a dog, the owner of the sheep may, within 48 hours, notify the Minister of Agriculture and Rural Development. When such notice is received, the Minister must appoint a valuator to investigate the complaint, and to report, within 10 days, the results of his investigations and his recommendation to the Minister, with a copy sent to the owner of the sheep.

If the owner of the sheep is not satisfied with the recommendation, he may appeal within 10 days to the Minister, whose decision, to be given within 10 days of receipt of the appeal, shall be final. The Minister of Finance and Industry, on the order of the Minister of Agriculture and Rural Development, shall pay to the owner of the sheep the amount recommended by the valuator or decided upon by the Minister after appeal.

When payment is made to the owner of the sheep, the Minister may recover that amount, as well as the expenses of the investigation, from the owner of the dog.

Where a dog is known to have killed or injured sheep, the Minister may order the dog to be destroyed. A person may kill a dog which he finds killing or injuring a sheep, and the defendant in any action for damages for killing a dog in such circumstances may plead "not guilty by Statute" and give the special matter in evidence.

## (Production)

### **SOCIETY FOR THE PREVENTION OF CRUELTY ACT, R.S.N.B. 1952, c. 214.**

Specifies the powers of the New Brunswick Society for the Prevention of Cruelty to Animals and defines the duties of agents of the Society and of citizens so that animals receive the proper attention.

It authorizes the Society to establish branch societies in any municipality of the province. The Act also prescribes the duty of any person who finds an animal at large, and the duty of an agent of the Society to destroy an animal found at large which is suffering from an incurable disease or broken limb or other cause that would incapacitate it from further use. Restrictions are placed on the sale, barter, display or gifting of baby chicks, ducklings or other fowl. The Lieutenant Governor in Council may make any regulation considered advisable with respect to horse-hauling contests.

Agents of the Society have the power to seize animals in order to protect them from neglect or cruelty on the part of their owners.

Any person operating a motor vehicle that strikes or injures a domestic animal is required to stop, notify the owner of the animal or a peace officer, and take reasonable and appropriate action so that the animal may receive proper care.

### **WARBLE FLY FREE AREA ACT, R.S.N.B. 1952, c. 245.**

Facilitates the establishment of warble fly free areas and provides for enforcement of control measures.

Upon receipt of a petition signed by at least 75 percent of the cattle owners in any area and with the approval of the Minister of Agriculture and Rural Development, the Lieutenant Governor in Council may establish the area as a Warble Fly Free Area. The Minister must then appoint a committee from among the cattle owners in the area to enforce the provisions of this Act and take all reasonable measures for the eradication of warble fly infestation in the area. The Minister is empowered to appoint inspectors under the Act who may enter premises, treat infested cattle and recover the fees for treatment from the owner.

## **V. MARKETING**

### **1. General**

#### **HEALTH ACT, R.S.N.B. 1952, c. 102.**

Section 6 of this Act empowers the Minister of Health, and any other Minister to whom duties within the purview of the Act may be prescribed, to provide for and regulate the inspection, situation, method of construction, equipment, sanitary management, cleansing, disinfecting and licensing of (1) slaughterhouses and other places where animals are killed and their meat prepared for sale; (2) canneries, warehouses, cold storage, freezing and warehousing plants; (3) creameries, dairies, cowsheds, stables, market gardens, henneries, cheese and butter factories; and (4) places for the manufacture or sale of any dairy or food products. He may also provide for the pasteurization and processing of milk and milk products and the equipment and standards therefor.

## (Marketing)

The Minister may make such regulations, rules or orders as he deems necessary concerning the use of various noxious manures and fertilizers which are or may be dangerous to the public health, and for the prevention of the pollution of lakes, rivers, streams, pools, springs, wells and other waters.

### NATURAL PRODUCTS CONTROL ACT, R.S.N.B. 1952, c. 156.

Provides for the promotion, control and regulation of the marketing of natural products over which the legislative jurisdiction of the Legislature extends.<sup>1</sup>

The Natural Products Control Board is established as a body corporate with authority to investigate and settle any dispute between producers, processors, distributors, or transporters of natural products. The Board may investigate costs, prices, price spreads, trade practices, grading policies and other matters concerning marketing. It may recommend any marketing plan for natural products to the Minister of Agriculture and Rural Development.

Where the Board receives from a group of producers a petition for the establishment of a local Board to control and regulate the marketing of a natural product, and when the Board is satisfied that such a group is representative of the producers who market that natural product, the Board may recommend to the Minister that a local board be established. The Board may then prepare a plan to control and regulate the marketing of the natural product by the local board. Any order, rule, regulation, resolution, or direction made by a local board may be limited, varied or revoked by the Board at any time. The decision of the Board as to whether any order, rule, or regulation has general application is final.

Where a local board to control and regulate the marketing of any dairy product is proposed and established, the powers and duties of the local board under this Act vest in the New Brunswick Dairy Product Commission.

### NATURAL PRODUCTS GRADES ACT, R.S.N.B. 1952, c. 157.

Under this Act, the Lieutenant Governor in Council may make regulations classifying and establishing grades of each kind of agricultural product and the products of the forest, sea, lake, or river. He may prescribe standards of composition for each kind of product and prohibit the sale of a product which does not meet the minimum grade established or the minimum standard of composition required by the regulation.

The Act provides for making regulations concerning packages and containers, and the inspection, grading, packing, marketing, shipment, advertisement, purchase and sale of natural products; prescribing fees for inspection, registration and licensing of packers, brokers, commission agents, and dealers; and concerning the cleanliness and sanitation of premises in which products are assembled, graded, or packed.

No person may pack, advertise, sell, or have in his possession for sale a product which in any respect does not comply with this Act or the regulations; represent a product to be of a certain grade, variety or class unless such product has been so graded or classed in accordance with the regulation; misrepresent the grade, variety, class or origin or any product; sell, offer or have in his possession for sale any product in a package or

<sup>1</sup>Natural products means fish, animals, meats, eggs, poultry, wool, dairy products, fruit and fruit products, vegetables and vegetable products, maple products, honey, tobacco and such other products as may be designated by the Lieutenant Governor in Council.

## (Marketing)

container of which the face or shown surface falsely represents the contents, or which is not properly billed; or carelessly handle or damage any product.

### 2. Crops

#### AN ACT TO EXTEND THE POWERS OF THE NEW BRUNSWICK POTATO MARKETING BOARD. S.N.B. 1954, c. 12.

In addition to its power to borrow under the Natural Products Control Act, the New Brunswick Potato Marketing Board is authorized to borrow money for such purposes and in such amounts as the Lieutenant Governor in Council approves, and is empowered to assign as security to a chartered bank any liability incurred under this Act. The Act is retroactive to January 1, 1954.

#### POTATO WAREHOUSE ASSISTANCE ACT, S.N.B. 1957, c. 13.

Allows the Minister of Agriculture and Rural Development to enter into an agreement with the federal Minister of Agriculture and with a co-operative association respecting financial assistance for the construction of potato warehouses.

### 3. Livestock

#### CHEESE AND BUTTER MANUFACTURING ASSOCIATIONS ACT, R.S.N.B. 1952, c. 27.

Provides for the incorporation of any five or more persons who desire to form an association for the manufacture and sale of dairy products.

The Act prescribes the method of incorporation, limits the amount of shares which any member may possess to \$1,000, provides for admission of new members, elections and the settlement of disputes, and deals with other similar matters.

#### COMMUNITY AUCTION SALES ACT, S.N.B. 1958, c. 7.

Governs the carrying on of a community auction sale of livestock or poultry owned by two or more persons, but does not include the sponsoring or conducting of an auction sale by a livestock breeders association.

The Community Auction Sales Advisory Board is to act in an advisory capacity to the Minister of Agriculture and Rural Development. Regulations may be made by the Lieutenant Governor in Council in dealing with the duties and powers of the Board, licensing, terms and conditions under which a sale may operate, facilities, sanitation, records, reports and inspection.

## (Marketing)

### DAIRY INDUSTRY ACT, R.S.N.B. 1952, c. 54.

Empowers the Lieutenant Governor in Council to make regulations respecting the construction and operation of dairy plants.

He may make regulations concerning the licensing of operators of dairy plants; the licensing of milk and cream testers; the selecting, grading, weighing, sampling, testing and pasteurizing of milk and cream brought to dairy plants; the manner of payment and the establishment of a comparative scale of prices to be paid by dairy plants for different grades of milk or cream; the sanitation of dairy plants and water supply, machinery, appliances and conveyances used in the manufacture and storage of dairy products; the compulsory pasteurization of dairy products; the proper keeping of records; and similar matters.

The site, plans and specifications of a proposed dairy plant must be approved by the Minister of Agriculture and Rural Development, a permit must be held by the person establishing a dairy plant and, before issuing a permit, the Minister must be satisfied that the proposed plant is necessary and in the interests of the community and the dairy industry, and that a sufficient volume of milk or cream is available to the proposed plant.

A Director of Dairy Service and inspectors are to be appointed to enforce the Act, and they shall have access to all dairy plants and their records, and may take samples of products. Operators of dairy plants must deposit with the Minister such security for satisfying patrons' claims as the Minister may prescribe.

### DAIRY PRODUCTS ACT, R.S.N.B. 1952, c. 55.

Provides for the supervision and control of milk and cream marketing.

A body corporate known as the New Brunswick Dairy Products Commission is established under this Act and is responsible to the Minister for its administration.

The Commission has the power (a) to carry out and give effect to the object of the Act, which is to establish and enforce marketing conditions that will work for the benefit of the dairy products trade and the general public; (b) to supervise, control and regulate, in the province, the purchase, transportation, handling, conversion, preparation, storing, delivery, sale and distribution of milk and cream as well as the care and collection of milk and cream containers; (c) to approve, if the Commission considers it expedient, any agreement respecting the price of milk or cream entered into by the Province between any persons engaged in the dairy products trade; (d) to prescribe the terms and conditions upon which milk may be produced, received, handled, transported, stored, delivered, supplied, processed, kept for sale or sold, and to prescribe the method of determining the butterfat or other content of milk or cream; (e) to provide that milk and cream must be marketed by or through the Commission and to fix, impose and collect service charges to meet the expenses of marketing milk and cream; (f) to require any person who produces milk and cream to sell milk and cream to or through the Commission and to prohibit any person from marketing milk and cream otherwise than by or through the Commission; (g) to collect money for milk and cream marketed by or through the Commission and to recover money owed through any court of competent jurisdiction; (h) to conduct a pool for the distribution of money received from the sale of milk and cream, and after deducting all expenses, to distribute the remainder of the money so that the payment to each person entitled to a share is based on the amount, class, variety and grade of milk and cream delivered by him, and to make an initial payment on delivery of milk and cream and subsequent payments until the remainder of the money received from the sale is distributed.

Under Section 17 the Commission may require applicants for licences and holders of licences under this Act to furnish proof of financial responsibility satisfactory to the Commission. The Commission may make

## (Marketing)

regulations or orders respecting the form and amount of security to be given under this section and the conditions under which it is to be given, and providing for the deposit, safekeeping, administration, application, distribution, adjustment, substitution, forfeiture and disposition thereof.

Where a local board is established under the Natural Products Control Act, the local board can exercise only such powers as are delegated to or conferred upon it by the Commission. The Commission may delegate to a local board such of its powers as it considers necessary, and may at any time terminate this delegation.

### IMITATION DAIRY PRODUCTS ACT, S.N.B. 1953, c. 9.

Controls the manufacture and sale of products which imitate dairy products.

No person shall manufacture, sell, offer for sale, or have in his possession for sale any imitation dairy product; that is, any food substance, other than a dairy product of whatever origin, source or composition, that is an imitation of or represented to be for the same use as a dairy product and that is manufactured wholly or in part from any fat or oil other than that of milk. This does not apply to oleomargarine, coffee whiteners and dessert toppings. Inspectors may be appointed to enforce this Act.

### OLEOMARGARINE ACT, R.S.N.B. 1952, c. 164.

Regulates and controls the manufacture and sale of regular and diet oleomargarine.

Under the Act no person may manufacture, sell, offer for sale or serve to the public, oleomargarine other than regular oleomargarine or diet oleomargarine. Diet oleomargarine must contain 40 percent or less of fat. Regular oleomargarine must contain 80 percent or more of fat. All packages must be marked with the word "oleomargarine" or the trade name of the contents or, with respect to diet oleomargarine, the words "diet oleomargarine" or the trade name of the contents together with the word "diet".

No one may make any misleading or exaggerated claims for oleomargarine, either by word or design in any advertising or the labelling on the package, so as to confuse it with a dairy product, nor can any word or term descriptive of the quality of oleomargarine be used as a brand name or otherwise unless a term is a grade name prescribed by the regulations under this Act.

## VI. AGRICULTURAL SOCIETIES AND EDUCATION

### AGRICULTURAL ASSOCIATIONS ACT, R.S.N.B. 1952, c. 5.

This legislation vests the supervision and control of Agricultural Associations with the Minister of Agriculture and Rural Development. It also provides for their incorporation.

The supervision and control of agricultural fair associations, agricultural societies, district farmers' associations, the provincial farmers' association and specialized agricultural associations, such as those devoted to

## (Agricultural Societies and Education)

the improvement of a particular breed of livestock, are vested in the Minister of Agriculture and Rural Development. These associations may be incorporated and have power to borrow money.

The Lieutenant Governor in Council may make regulations concerning the organization and objects of associations and providing for provincial grants to them under certain conditions.

### AGRICULTURAL SCHOOLS ACT, R.S.N.B. 1952, c. 6.

Provides for the establishment and maintenance of Agricultural Schools through arrangements with the Government of Canada and the governments of the other Atlantic provinces.

Schools shall be established in the province under the control of the Minister of Agriculture and Rural Development for instruction in the theory and practice of agriculture, horticulture, forestry, animal husbandry, butter and cheese making, domestic science, manual training, the construction and use of varieties of buildings, fences, drainage systems, machinery, implements and similar equipment, and in the elements of various sciences applicable to the above subjects.

Provision is made for a full report of each school to be furnished annually by the Minister of Agriculture and Rural Development to the Legislative Assembly. The Lieutenant Governor in Council may enter into arrangements with the Government of Canada and the governments of the other Atlantic Provinces for the establishment in any of the provinces of an agricultural school, the cost of maintenance to be born proportionately by the parties to the agreement.

### WOMEN'S INSTITUTE ACT, R.S.N.B. 1952, c. 253.

Provides for the incorporation of a Provincial Women's Institute and Branch Institutes, and the payment of provincial grants and details the organization, objectives and operation of the Institutes.

Provision is made for a provincial organization to be known as the New Brunswick Women's Institutes, and all Women's Institutes serving communities must be branch institutes of that organization. Women's Institutes are to be non-sectarian and non-partisan and their object is to be the improvement of conditions in rural and other communities. There is to be a provincial Director of Home Economics Service who is to be superintendent of Women's Institutes, and also a Provincial Advisory Board to advise the Minister of Agriculture and Rural Development.

The Act describes how a Women's Institute may be incorporated and organized, and deals with membership, election of officers, conduct of meetings, prerequisites for provincial grants to institutes and the mode of payment, reports and similar matters.

The Lieutenant Governor in Council may make regulations prescribing the annual grant to be paid to the General Fund of the Women's Institute; and generally for administering and carrying out the objects of this Act.

## VII. CO-OPERATIVES AND CREDIT UNIONS

### CO-OPERATIVE ASSOCIATIONS ACT, R.S.N.B. 1952, c. 40.

Provides for the incorporation of co-operatives and sets out their organization, powers and operating procedures. Provision is made for the appointment of an inspector to supervise Co-operative Associations.

Any ten or more persons, each of the full age of 21 years and resident in the Province, or any three or more Associations, may apply for incorporation under this Act. An Association incorporated under this Act, a company incorporated under the Companies Act, a partnership which could under the Partnership Act engage in the production or marketing of any natural product as defined by the Natural Products Control Act, may become a member of an Association incorporated or to be incorporated under this Act.

The Act prescribes the method of incorporation and deals with such matters as membership and share requirements, directors and officers, elections, bylaws, capital stock, borrowing powers, disposition of surplus, investment, audit, annual meeting and reports. Provision is made for the appointment of an inspector to supervise co-operative associations, and a registrar to keep a record of matters concerning Associations.

An Association may establish a pension plan for employees and dependents. If the Lieutenant Governor in Council, on the recommendation of the Minister, authorizes an Association to do so, it may establish and maintain a hospitalization or medical plan for its members and employees and their dependents.

### CREDIT UNIONS ACT, S.N.B. 1963, c. 2.

Enables the incorporation of credit unions, sets out their powers and authority, and provides for their supervision.

A credit union may be incorporated for the purpose of promoting thrift and creating a source of credit for its members; receiving the savings of its members; making loans to members, to other credit unions and to co-operative associations and other organizations that are members.

The credit union may: deposit money in chartered banks in Canada, in federations incorporated under the Credit Union Federations Act and in trust companies empowered to receive money on deposit; invest in any investment authorized by the Trustee Act unless otherwise restricted by the provisions of this Act; invest to an extent not exceeding 25 percent of its capital in the paid up share of other credit unions; borrow money within the provisions of this Act; draw, make, accept, endorse, discount, execute, and issue encumbrance notes, bills of exchange, bills of lading, warrants and other negotiable and transferable instruments; make contracts of life insurance with a licenced insurer; enter into a contract with a licenced insurer for the establishment of a pension plan or a group insurance plan for employees of a credit union and their dependents; and may expend money of the credit union for such purposes.

This Act also deals with the appointment of a Registrar of Credit Unions; the method of incorporation; organization and bylaws; general duties of directors; the powers and duties of the Credit Committee and the Advisory Committee; membership; capital and shares; disposition of net earnings; supervision and suspension; forfeiture and surrender of charter and the general provisions under this Act.

### CREDIT UNION FEDERATIONS ACT, R.S.N.B. 1952, c. 49

This enactment provides for the incorporation as a federation of ten or more credit unions and sets out powers of authority and the limit of liability of member credit unions.

## **(Co-operatives and Credit Unions)**

The Act specifies the procedure for incorporation; the number and election of representatives from credit unions in the federation; the limit of liability of member credit unions; the composition and election of director and officers of the federation; the provision of cash reserves; audit procedure; and other similar matters.

A federation may receive monies deposited with it by member credit unions, and by such bona fide Co-operative Insurance Associations or Companies operating in the province as the Registrar of Credit Unions may approve. These monies may be loans to credit unions, approved co-operative associations and any bona fide Co-operative Insurance Society incorporated under federal laws, in amounts approved by the Registrar. Under the 1971 Amendment, a federation may by bylaw grant the Board of Directors, and an Executive Committee or the manager, or any combination thereof, authority to fix or change interest rates on funds deposited with the Federation or funds to be loaned by the Federation, subject to such terms and conditions as may be prescribed by the bylaw.

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